

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

RULES COMMITTEE

NORMA GONSALVES,
CHAIRWOMAN

1550 Franklin Avenue
Mineola, New York

July 27, 2015
1:08 p.m.

REGAL REPORTING SERVICES
516-747-7353

A P P E A R A N C E S:

NORMA GONSALVES
Chairwoman

RICHARD NICOLELLO
Vice Chairman

DENNIS DUNNE

HOWARD KOPEL (Not Present)

ROSE WALKER (Sitting in for Howard Kopel)

KEVAN ABRAHAMS
Ranking

JUDY JACOBS

CARRIE SOLAGES

WILLIAM J. MULLER, III, Clerk

LIST OF SPEAKERS

BRIAN SCHNEIDER	7
KEN ARNOLD.	12
LISA LOCURTO.	41
JOHN SARCONI.	43
JOHN PRIEST	47
EILEEN KRIEB.	49
MARY ELLEN LAURAIN.	51
KIM TEMPESTA.	60

INSERTS TO TRANSCRIPT

Page 79, Line 15 - Page 209, Line 12

2 CHAIRWOMAN GONSLAVES: We're going to
3 begin with the Rules Committee, go through the
4 contracts as we usually do. Once we complete the
5 contracts, we will recess Rules and go to the
6 remaining committees.

7 CLERK MULLER: Legislator Solages?
8 (No verbal response.)

9 CLERK MULLER: Legislator Jacobs?

10 LEGISLATOR JACOBS: Here.

11 CLERK MULLER: Ranking Member Abrahams?
12 (No verbal response.)

13 CLERK MULLER: Legislator Kopel?

14 LEGISLATOR KOPEL: I'm being
15 substituted.

16 CLERK MULLER: Legislator Walker,
17 substituting for Legislator Kopel? Here,
18 obviously.

19 CLERK MULLER: Legislator Dunne?

20 LEGISLATOR DUNNE: Here.

21 CLERK MULLER: Vice Chairman Nicolello?

22 LEGISLATOR NICOLELLO: Here.

23 CLERK MULLER: Chairwoman Gonsalves?

CHAIRWOMAN GONSALVES: Present.

CLERK MULLER: And the Minority Leader
is here and also is Legislator Solages.

CLERK MULLER: Legislator DeRiggi-
Whitton?

LEGISLATOR DeRIGGI-WHITTON: Here.

CLERK MULLER: Ranking Member, Minority
Leader Abrahams?

LEGISLATOR ABRAHAMS: Here.

CLERK MULLER: Legislator Kopel? He's
here.

Legislator Dunne?

LEGISLATOR DUNNE: Here.

CLERK MULLER: Vice Chairman Nicoletto?

LEGISLATOR NICOLELLO: Here.

CLERK MULLER: Chairwoman Gonsalves?
She's here.

We have a quorum.

CHAIRWOMAN GONSALVES: Substituting for
Legislator Dunne will be Legislator Walker.

CHAIRWOMAN GONSALVES: The first
contract is A-35, a resolution authorizing the
director of Nassau County Office of Purchasing to

award and execute a contract between the County of Nassau acting on behalf of the Nassau County Department of Public Works and Facility Solutions Group Inc.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Walker.

MR. SCHNEIDER: Good afternoon. Brian Schneider from Public Works.

This item is a blanket purchase order for exterior lighting construction services for the Department of Public Works.

There was a solicitation in *Newsday* and posted on the bid board. We had 18 vendors that were notified electronically of the bid. Also, Minority Affairs was also given a copy of the bid. Two bids were received. We're recommending that Facility Solutions Groups, was the lowest responsible bidder meeting all of our specifications. So we are recommending awarding this blanket contract to Facility Solutions.

CHAIRWOMAN GONSALVES: Any questions or

2 comments? Minority Leader.

3 LEGISLATOR ABRAHAMS: Yes.

4 CHAIRWOMAN GONSALVES: Minority Leader
5 Abrahams.

6 LEGISLATOR ABRAHAMS: Thank you, Madam
7 Presiding Officer.

8 How are you, Brian?

9 MR. SCHNEIDER: Good afternoon.

10 LEGISLATOR ABRAHAMS: Just with our -
11 our general question is that we ask, in regards
12 to this, in terms of the RFP, who was it drafted
13 by?

14 MR. SCHNEIDER: It was drafted by an
15 electrical engineer in DPW.

16 LEGISLATOR ABRAHAMS: Is he here today,
17 by any chance?

18 MR. SCHNEIDER: He is not here today.

19 LEGISLATOR ABRAHAMS: Okay. Are we --
20 do we have an understanding if any or did he have
21 any conversations with the administration with
22 regard to this contract?

23 MR. SCHNEIDER: There were no
24 conversations at all, no.

25 LEGISLATOR ABRAHAMS: Okay. Any

conversations with the vendor?

MR. SCHNEIDER: No, sir.

LEGISLATOR ABRAHAMS: Thank you.

CHAIRWOMAN GONSALVES: Legislator
Jacobs.

LEGISLATOR JACOBS: Brian, I just have a
question that I -

MR. SCHNEIDER: Sure.

LEGISLATOR JACOBS: that I must ask you.
This is my civic hat going on now.

When we have a lighting - a blanket
purchase order for lights, do we make certain
that they're not beaming out at residential
areas, that they're beaming down usually with a
shield? In other words, I'm very aware that,
especially in parks and especially in industry
and anything else like that that we might have
some control over --

MR. SCHNEIDER: Understood. And we've
had this conversation. I think you brought up
this issue on several other lighting items.

With the new technologies for lighting,
especially LED lights, there are a lot of
adjustments that can be made for the specific

luminieers that are used for lighting, whether it's a sport field lighting or whether it's pathway lighting or a parking field lighting.

All those lights can be adjusted and directed so that they do not have exterior washout into the community. So we are cognizant of those issues. We certainly don't want to inconvenience anybody who lives near the facilities that we look to illuminate.

There are many different options that our lighting engineers can employ to make sure that there aren't any issues with the surrounding community.

LEGISLATOR JACOBS: And they'd be encouraged to do so, I'd assume.

MR. SCHNEIDER: Oh, absolutely. Yes. With this contract we do the design in-house. This is not something that we just go to the contractor and say just light this parking area. All the lighting design work is done in-house by our lighting engineer.

LEGISLATOR JACOBS: And does someone go -- I don't want to belabor it. I happen to live near a park, and it's very nice. I don't live on

2 top of the park. It's not very nice for the
3 people who back up to the ball fields because the
4 lighting -- it's not county lighting -- but the
5 lighting literally makes them live in a fishbowl.

6 MR. SCHNEIDER: I'm not sure of that
7 park, how old those lights are. But there are
8 new technologies for directional spotlighting,
9 especially sport field lighting. With the new
10 lights that are out now, they are directioned
11 towards the playing field itself, again trying
12 not to illuminate - it's called washout -- of
13 areas outside the playing surface.

14 LEGISLATOR JACOBS: Okay. I'm glad to
15 hear that. Thank you.

16 CHAIRWOMAN GONSALVES: Any other
17 questions or comments?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 There being none; all those in favor of
22 Contract A-35 signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

The contract passes unanimously.

The next item is B-22, a resolution authorizing the county executive to award and execute a contract between the County of Nassau acting on behalf of the Nassau County Department of Public Works and E&A Restoration Inc.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR DUNNE: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Walker, seconded by Legislator Dunne. Mr. Arnold.

MR. ARNOLD: Kenneth Arnold, Public Works.

This is the contract amendment for the department's on-call general construction requirements contract that handles any emergency situation that has to be done immediately that does not have enough time for a formal bid process.

This amendment is for an additional \$4.5 million, and the term would end in December of '16.

CHAIRWOMAN GONSALVES: Any questions or

Mr. Arnold?

LEGISLATOR ABRAHAMS: Just a clarification question.

CHAIRWOMAN GONSALVES: Minority Leader.

LEGISLATOR ABRAHAMS: Thank you, Madam Presiding Officer.

Kenneth, I understand this correctly, this contract was executed in December of 2012.

MR. ARNOLD: That is correct.

LEGISLATOR ABRAHAMS: So there wasn't a new RFP process for this extension.

MR. ARNOLD: That is correct.

LEGISLATOR ABRAHAMS: Okay. And where are the sources of capital funding? If it is capital funding, where is the source of the funding for this particular contract?

MR. ARNOLD: The sources would come from our various capital projects that handle general construction, park projects. There is a general 90400. As situations arise, we would encumber the appropriate funding to deal with the situation.

LEGISLATOR ABRAHAMS: Okay. And this legislature has granted the authorization for

2 those particular, for the bonding for those?

3 MR. ARNOLD: Yes. The bond ordinances
4 are being approved by this body.

5 LEGISLATOR ABRAHAMS: Okay. Thank you.

6 CHAIRWOMAN GONSALVES: Any other
7 comments or question?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 There being none; all those in favor of
12 B-22 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The item passes unanimously.

17 The next item is B-23, a resolution
18 authorizing the county executive to award and
19 execute a contract between the County of Nassau
20 acting on behalf of the Nassau County Department
21 of Public Works and All Service Electric Inc.

22 Motion, please?

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR WALKER: Second.

25 CHAIRWOMAN GONSALVES: Moved by

Legislator Dunne, seconded by Legislator Walker.

Mr. Arnold.

MR. ARNOLD: B-23 is our department's on-call electrical requirements contract. This is a new contract that was recently bid. It's to All Service Electric in the amount of \$2.5 million for a period of two years.

CHAIRWOMAN GONSALVES: Any questions of Mr. Arnold? Minority Leader Abrahams.

LEGISLATOR ABRAHAMS: How are you again, Mr. Arnold?

MR. ARNOLD: I'm good.

LEGISLATOR ABRAHAMS: Just a quick question just to follow up on my same line of questioning for Brian.

During this RFP process, who actually drafted the RFP?

MR. ARNOLD: A county engineer put together the contract specifications.

LEGISLATOR ABRAHAMS: Is it the same gentleman that put together the same specifications of the contract prior?

MR. ARNOLD: No. This would be a different gentleman. This would be the gentleman

that runs all of our requirements contracts.

LEGISLATOR ABRAHAMS: How hard would it be for that gentleman to be present at these meetings?

MR. ARNOLD: He's extremely busy. He's out in the field covering work. If it's something that you really wanted to have happen, we could.

LEGISLATOR ABRAHAMS: Generally, we just want to make sure that during the RFP process that there has been no discussions.

MR. ARNOLD: I can speak to that. This is a bid contract. During a bid contracting process it's the department's policy that all questions would have to be put in writing, and then there would be an addendum if there are any clarifications required.

LEGISLATOR ABRAHAMS: Okay. So has there been any discussions between that gentleman -- what's his name? I'm sorry.

MR. ARNOLD: Mike Polio (phonetic) is the project engineer.

LEGISLATOR ABRAHAMS: Okay. Have there been any discussions between Mike Polio and the

2 administration or the vendor that received this
3 contract?

4 MR. ARNOLD: During the bid process
5 specific to the bid there would be none.

6 LEGISLATOR ABRAHAMS: None.

7 MR. ARNOLD: Just a point of
8 clarification; this vendor is on board for other
9 projects.

10 LEGISLATOR ABRAHAMS: So he could be
11 discussing other projects.

12 MR. ARNOLD: Yeah, other projects.

13 LEGISLATOR ABRAHAMS: I meant
14 specifically to this contract.

15 MR. ARNOLD: No. He would not be. Like
16 I said, everything would be put in writing and be
17 answered formally.

18 LEGISLATOR ABRAHAMS: Thank you.

19 CHAIRWOMAN GONSALVES: Any other
20 questions or comments?

21 (No verbal response.)

22 Any other questions or comments?

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

There being none; all those in favor of
B-23 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

The next item is B-25, a resolution
authorizing the county executive to award and
execute an amendment to a contract between the
County of Nassau acting on behalf of the Nassau
County Department of Public Works and Bancker
Construction Corp.

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Dunne, seconded by Legislator Walker.
Mr. Arnold.

MR. ARNOLD: B-25 is a contract
amendment to our on-call emergency requirements
contract associated with water mains and
apertures to the water main system. This is an
additional half million dollars that will draw on
the contract through November '16.

CHAIRWOMAN GONSALVES: Any questions of

Mr. Arnold?

LEGISLATOR ABRAHAMS: If I may.

CHAIRWOMAN GONSALVES: Minority Leader
Abrahams.

LEGISLATOR ABRAHAMS: And this is,
again, this is a contract that goes back that was
originally opened in 2011, September 2011?

MR. ARNOLD: That is correct. So this
was an amendment to an existing bid contract.

LEGISLATOR ABRAHAMS: Okay.
Just in terms of clarification. The
\$500,000 in additional money is being used for?
If you could just rephrase that again, mention
that again.

MR. ARNOLD: The county has water mains
at its park facility, Mitchel Field, the College,
and any other county facility. Any water main
break that would occur, we would use this
contract and the appropriate funding to respond
to that water main emergency and make the repairs
necessary.

LEGISLATOR ABRAHAMS: I see. Thank
you.

CHAIRWOMAN GONSALVES: Legislator Dunne.

LEGISLATOR DUNNE: It says repair drainage also. Is that right, to repair drainage? This is to repair drainage also?

MR. ARNOLD: No. This is just for water mains.

LEGISLATOR DUNNE: Okay.

CHAIRWOMAN GONSALVES: Any public comment?

(No verbal response.)

There being none; all those in favor of B-25 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

The next item is B-27, a resolution authorizing the county executive to award and execute a contract between the County of Nassau acting on behalf of the Nassau County Department of Public Works and Posillico Civil, Inc.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR DUNNE: Second.

CHAIRWOMAN GONSALVES: Moved by

Legislator Walker, seconded by Legislator Dunne.

Mr. Arnold.

MR. ARNOLD: B-27 is a contract with Posillico for the replacement of the sludge dewatering facility at Bay Park. As you are aware, that facility was damaged heavily during Hurricane Sandy. There have been preceding contracts that came to you for the demolition of the facility. This contract is to put the new centrifuge equipment that will dewater the sludge in the existing structure that was demoed under the previous contract.

CHAIRWOMAN GONSALVES: Any questions or comments? Minority Leader.

LEGISLATOR ABRAHAMS: Thank you, Madam Presiding Officer.

Mr. Arnold, this contract was opened up - the bids were opened up on May 19, 2015 and Posillico Civil was accepted as the lowest responsible bidder. Were they the lowest bidder?

MR. ARNOLD: I believe they were. I can double check their cost proposal. Hold on. They had the lowest bid price.

LEGISLATOR ABRAHAMS: They had the

lowest bid price. Okay.

What was the highest bid price? If you don't mind me asking.

MR. ARNOLD: The highest bid total was from BSRJ, \$46 million.

LEGISLATOR ABRAHAMS: I have it here. Okay. And the second lowest was Fortunato Sons Contracting, 42.4?

MR. ARNOLD: Yes.

LEGISLATOR ABRAHAMS: Were there any discussions between I guess the drafter of the RFP, I don't know who that was; who was that, actually?

MR. ARNOLD: This contract design I believe was Gannet Fleming. This was also run through the JV of Hazen, Sawyer and Arcadis during the bid process.

LEGISLATOR ABRAHAMS: Ah, Hazen and Sawyer.

MR. ARNOLD: Yes.

LEGISLATOR ABRAHAMS: I remember them.

MR. ARNOLD: Like I mentioned previously, being this is a bid contract, all questions would come in writing and responded to

2 as an addenda to clarify any questions that came
3 up. There is no verbal back-and-forth between
4 any of the bidders and the designers or the
5 county.

6 LEGISLATOR ABRAHAMS: I see. Thank
7 you.

8 CHAIRWOMAN GONSALVES: Any comments?

9 (No verbal response.)

10 Any other comments or questions?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 There being none; all those in favor of
15 B-27 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item passes unanimously.

20 The next item is B-29, a resolution
21 authorizing the county executive to award and
22 execute a contract between the County of Nassau
23 acting on behalf of the Nassau County Department
24 of Public Works and RJ Industries, Inc.

25 Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Dunne, seconded by Legislator Walker.
Mr. Arnold.

MR. ARNOLD: B-29 is an emergency
contract for the repair of - to put a temporary
hot water piping system in at the Bay Park
Treatment Plant.

What occurred at Bay Park over last
winter, there is so much construction that the
existing hot water piping system that heats the
buildings was compromised in various locations,
which required the department to put in temporary
systems at a substantial cost.

For this winter, it was felt by our
engineering consultants that we should put in a
temporary viable system that's very robust,
that's above ground that cannot be damaged during
construction.

This is an emergency contract. This
contractor has started the work in anticipation
of this coming in front of this body today. It's
for \$3.9 million and will hold over the next few

years as Bay Park is reconstructed and there is ongoing construction in all the different facilities.

CHAIRWOMAN GONSALVES: Legislator Nicolello.

LEGISLATOR NICOLELLO: Mr. Arnold, how much was the cost for the emergency heating?

MR. ARNOLD: I believe it states in the backup, it was \$5,000 per day during the winter period.

LEGISLATOR NICOLELLO: Would that be approximately 90, 100 days or so, 120 days?

MR. ARNOLD: Approximately three or four months, yes. And this would go on for two or three years during the whole process of all this construction.

LEGISLATOR NICOLELLO: Is it a two-year agreement? This is a two-year agreement, right, to provide the temporary heating?

MR. ARNOLD: I would have to double check that. I know to build the system before the winter hits. I'm not sure for the duration of the contract. I'd have to go back and look at my notes.

LEGISLATOR NICOLELLO: Here's my questions: \$5,000 over the course of three months, figure over the cost of four months, 120 days, equates out to \$600,000. So why are we spending \$4 million for two to three years if we can pay \$5,000 a day and it's only going to cost us \$600,000?

MR. ARNOLD: It was \$5,000 a day at the damage we saw last year. We anticipate much more problems this year with leakage as the burm was constructed with the sheet piling around. We have a large electrical project that is going to be starting this fall that's also going to cause a lot of trenching and disturbance. While 5,000 was last year, the number was significantly higher proposed for this year with the damage that would be ongoing.

LEGISLATOR NICOLELLO: So what you're telling me is that public works thinks that the cost of emergency heat going forward would be higher than it was last year.

MR. ARNOLD: Yeah. We anticipated future failings of the piping system. It's an insulated pipe that's not easily corrected. It's

very hard to fix it in the field. We'd end up running temporary systems as these leaks would come up.

LEGISLATOR NICOLELLO: I'm still having a little bit of difficulty. Any idea as to how much it would cost to use temporary heating, as we have in the past? An estimate going forward; is it going to cost 6,000, is it going to cost 7,000 a day? What are we estimating?

MR. ARNOLD: I can go back to the engineers and ask them that question. But the temporary systems were individual systems for each building, which, you know, there are 40, 50 buildings out there. I believe last year there were a handful of buildings that were out of service. The temporary piping is connected back to the main boiler, which is running off the methane gas, which is a cheaper operation to run and it centralizes all our heating into one location.

LEGISLATOR NICOLELLO: So with just a handful of buildings out of commission it was \$5,000 a day. Do you know approximately how many buildings in total would be out of commission

this year?

MR. ARNOLD: I would have to go back and ask the engineers what they estimated when they ran the calculations.

LEGISLATOR NICOLELLO: Can you do that today?

MR. ARNOLD: I can make some phone calls, yes.

LEGISLATOR NICOLELLO: I don't know if anyone else has any questions on this.

CHAIRWOMAN GONSALVES: Minority Leader Abrahams.

LEGISLATOR SOLAGES: Are we going to be reimbursed through FEMA for this?

MR. ARNOLD: We believe it's a reimbursable expense, and we will be asking for that to be reimbursed because it's all associated with Hurricane Sandy and the restoration of the facility because of Sandy.

LEGISLATOR SOLAGES: Have you filled out an application yet for that reimbursement?

MR. ARNOLD: I know we've had conversations and put them on notice that we'd be looking for the reimbursement. I'm not sure

exactly where the paperwork is in that system,
even if the paperwork is due at this point for
this type of work. I'd have to double check.

LEGISLATOR SOLAGES: So we don't know if
we're going to be reimbursed then because there
is no application.

MR. ARNOLD: We believe that this would
be reimbursable under the \$810 million that the
county received, and being that other projects
have come in under budget there is existing
funding that would fit this criteria. We are
confident that we would get reimbursed, but I
can't tell you that we have a piece of paper that
we're going to at this point.

LEGISLATOR SOLAGES: How confident? Are
you 100 percent confident? Sixty percent
confident? Seventy percent confident?

MR. ARNOLD: I would think we're 70, 80
percent confident, being that this is all related
to Sandy and damage caused by the storm and also
by the construction to fix the equipment from the
storm.

LEGISLATOR SOLAGES: Thank you.

LEGISLATOR DUNNE: Just a couple of

questions, Madam Chair.

CHAIRWOMAN GONSALVES: Legislator Dunne.

LEGISLATOR DUNNE: Being that you're going to elevate it, it will be easier to see when there's a problem and it's easier to fix, correct?

MR. ARNOLD: The temporary heating piping will be ground surface. Any issues during construction that further damages anything will be very visible and can be handled quickly.

As you mentioned, the existing piping is underground and you don't always know that there is a problem with the heating piping when it fails until either the building is out of heat or there is steam coming out of the ground. So, yes, the temporary system will be visible and will be checked on a daily basis.

LEGISLATOR DUNNE: How long is temporary? I know there are some roadways that are temporary and they can last up to 100 years. How long is this temporary?

MR. ARNOLD: The system we're putting in today is anticipated to be used until the end of construction and then a new heating piping system

will be installed at the end of all other construction activities to minimize further disruption.

LEGISLATOR DUNNE: Is there a possibility that we can keep this forever?

MR. ARNOLD: No. It's laying on the ground surface so it would be in the way if it was there forever.

LEGISLATOR DUNNE: Thank you. Thank you, Madam Chair.

CHAIRWOMAN GONSALVES: Minority Leader Abrahams.

LEGISLATOR ABRAHAMS: Thank you, Madam Chair. I just have a quick question in regards to the bid that came back. The winner of the bid was RJ Industries, if I'm correct, at 3.937 million, but then the next closest was 9.6 million. That just seems like a big discrepancy. Are we comfortable that they understood the bid to -- what we expect and are we confident that they will be able to fulfill the work as we see the bid being fulfilled?

MR. ARNOLD: The RJ bid was slightly above the engineer's estimate, and we are

2 comfortable that they can complete the work as
3 proposed.

4 LEGISLATOR ABRAHAMS: Okay.

5 MR. ARNOLD: I am not sure why the
6 second bidder was so high.

7 LEGISLATOR ABRAHAMS: Okay. All right.
8 If we're confident.

9 CHAIRWOMAN GONSALVES: Any other
10 comments from the legislators?

11 (No verbal response.)

12 I'm going to call for a motion to table.
13 And Mr. Arnold, would you get that information
14 before the end of the day for us?

15 MR. ARNOLD: I'll make some phone calls
16 as soon as I finish here.

17 CHAIRWOMAN GONSALVES: Okay. Thank you
18 very much.

19 A motion to table, please?

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR NICOLELLO: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Dunne, seconded by Legislator
24 Nicolello.

25 All those in favor of tabling Item B-29

signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item is tabled until we get the information.

The next item is Item B-30, a resolution authorizing the county executive to award and execute a contract between the County of Nassau acting on behalf of the Nassau County Department of Public Works and Philip Ross Industries, Inc.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Walker, seconded by Legislator Nicolello.

MR. ARNOLD: Item B-30 is a construction contract for the rehabilitation and reconstruction of pump stations that were affected by Super Storm Sandy. This is a reimbursable expense as part of the \$810 million the county received. This contract includes stations in Baldwin at Felicks Court, Fox Road,

Northern Boulevard, and Grand Avenue.

CHAIRWOMAN GONSALVES: Any questions of Mr. Arnold? Okay. Legislator Jacobs.

LEGISLATOR JACOBS: Ken, I just wanted to ask you a question. I know that we had requested receiving monthly DPW reports on these type of contracts, and there really hasn't been one in the last six months. Do you have an update with you on what has been paid to date?

MR. ARNOLD: We're finalizing that report right now. We were waiting to get the final bid electrical contract updated in the system before we brought out the next report. I can get that to you this week.

LEGISLATOR JACOBS: Okay. Thank you.

CHAIRWOMAN GONSALVES: Any other questions for Mr. Arnold? Yes, Minority Leader.

LEGISLATOR ABRAHAMS: Thank you, Madam Presiding Officer.

Ken, in regards to this contract, it looks like the engineer's estimate was 5.7 and the contract was lower than that amount, which is actually pretty good. The one thing of concern is that it seems that this was the only bid

response. Customary, when dealing with the Department, when do you guys put thought into rebidding it? Obviously, it was under the engineer's estimate so maybe this wouldn't be a case for that. But we have seen contracts that have come to the legislature which only have one bid. Can you just explain to me, like, if this is not the criteria because it was below your estimate, what is the criteria to rebid projects?

MR. ARNOLD: Rebidding a contract takes place when there needs to be a change, based on - during the bid analysis if we realize there is something done incorrectly or needs to be clarified or information added to the bid contract to get a clearer bid, we will rebid the contract at that point. There has to be a change within the contract documents to do that.

The department, once it looks at the submitted bids, we have our design engineer go through the documents with our engineers, and if we are all comfortable that's when we recommend award.

We wouldn't just rebid it because we got bad prices. We have to make a change to the

contract documents to rebid a contract.

LEGISLATOR ABRAHAMS: So if this contract came in higher than the engineer's estimate it would still be before the legislature today?

MR. ARNOLD: Once we would do our bid analysis, if we felt that the bidder had reasons why his bids were high and our bids were low and we could substantiate why our bid analysis was wrong in the beginning, we would then bring it in front of you, yes.

LEGISLATOR ABRAHAMS: I see. Okay. As always, we just want to make sure we're getting the best price. It's very hard to do that when you can't compare it to anything else.

MR. ARNOLD: What does occur, and I'm sure you're aware, if we don't have adequate funding, say this is a park's project and the bids are very high, we may have to change the bid to get a project within the scope of work that we have. That would be a reason why, to repackage the project and rebid it also. Say this was a park's project and our engineers estimate was poor and the bids came in much higher than we

2 anticipated, if we didn't have enough funding, we
3 could repackage that park project, take some
4 scope out, rebid it, and then come back to you.

5 LEGISLATOR ABRAHAMS: I see.

6 MR. ARNOLD: It wouldn't occur in this
7 case because this is a Sandy-related project and
8 there is plenty of adequate funding here.

9 LEGISLATOR ABRAHAMS: Thank you.

10 CHAIRWOMAN GONSALVES: Any public
11 comment?

12 (No verbal response.)

13 There being none; all those in favor of
14 Contract B-30 signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The item passes unanimously.

19 I'm going to call B-31, B-32, and B-33
20 because each of these contracts deals with the
21 same septic matter.

22 I'll begin with B-31, a resolution
23 authorizing the county executive to award and
24 execute a contract between the County of Nassau
25 acting on behalf of the Nassau County Department

of Public Works and Philip Ross Industries, Inc.

B-32, a resolution authorizing the county executive to award and execute a contract between the County of Nassau acting on behalf of the Nassau County Department of Public Works and Philip Ross Industries, Inc.

B-33, a resolution authorizing the county executive to award and execute a contract between the County of Nassau acting on behalf of the Nassau County Department of Public Works and RJ Industries, Inc.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR DUNNE: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Walker, seconded by Legislator Dunne. Mr. Arnold.

MR. ARNOLD: Yes. Items B-31, 32, and 33 are all associated with the rehabilitation of pump stations throughout the south shore that were impacted by Hurricane Sandy. All are being funded through the \$810 million that FEMA allocated to the county for the restoration of our wastewater systems.

Specifically, B-31 deals with pump stations in the Massapequa area. B-32 includes pump stations in Oceanside, Lido, Long Beach, Island Park area. B-33 deals with pump stations in the Bellmore, Merrick, Freeport area.

CHAIRWOMAN GONSALVES: Legislator Jacobs.

LEGISLATOR JACOBS: Actually, for all three, just the same thing. I would hope that in the report that's coming out you will give us an up-to-date --

MR. ARNOLD: Yes.

LEGISLATOR JACOBS: And that report will include what we've been reimbursed for, if anything?

MR. ARNOLD: Yes.

LEGISLATOR JACOBS: Okay, good. Thank you.

CHAIRWOMAN GONSALVES: Minority Leader Abrahams.

LEGISLATOR ABRAHAMS: Just again, Ken, in regards to these contracts, the drafter of the RFP, did he have any communication with the administration or with the vendor during the

process of drafting the RFP?

MR. ARNOLD: All three of these contracts, through the public bidding process, again, any questions would be put in writing to the department and the engineer would be responding back through an amendment to the contract. An addendum, I'm sorry, to the contract.

LEGISLATOR ABRAHAMS: Was there any communication after the RFP was drafted between anyone in the DPW administration or any administration in the county and the vendor itself?

MR. ARNOLD: After the bid is opened, we go through our vetting process, and there would be discussions with them, if there are any questions, to clarify their proposal package.

LEGISLATOR ABRAHAMS: Thank you.

CHAIRWOMAN GONSALVES: Any other comments from the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of

B-31, B-32, and B-33 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The items pass unanimously.

Now we have a number of E contracts. We will begin with E-102, a resolution affirming to a special counsel contract entered into by the Nassau County Attorney and Meyer, Suozzi, English & Klein, P.C.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Walker.

Mr. Locurto.

MS. LOCURTO: Good afternoon. Lisa Locurto, County Attorney's Office.

This is a resolution for a contract for special services to assist the county attorney's office in a litigation with the sheriff's department. It deals with a dismissal and discrimination claim by a former corrections officer. This assistance of counsel will help

2 the county attorney's office defend the
3 litigation which has been stalled at various
4 stages. So we hope to resolve it quickly with
5 this new counsel.

6 CHAIRWOMAN GONSALVES: Any questions?
7 Yes, Legislator Jacobs.

8 LEGISLATOR JACOBS: I'm trying to get my
9 arms around this. The case, to my knowledge, was
10 settled as of April 29.

11 MS. LOCURTO: This is the lawsuit with
12 Paula Jackson.

13 LEGISLATOR JACOBS: Right.

14 MS. LOCURTO: Not to my knowledge.

15 LEGISLATOR JACOBS: It seemed to us that
16 the court records reflected that is when it was
17 settled. I was just wondering why it's coming
18 now if it was settled in April.

19 MS. LOCURTO: I'll verify that,
20 Legislator, and give you an answer before the
21 close of the session today.

22 LEGISLATOR JACOBS: Then I'd like to
23 just move to table to get that answer, if that's
24 okay. Is there a second?

25 LEGISLATOR ABRAHAMS: I'll second it.

CHAIRWOMAN GONSALVES: All those in favor of tabling Item E-102 signify by saying aye.

(Aye.)

The item is tabled until we can get that answer.

A motion was made by Judy Jacobs, seconded by Kevan.

The next item is E-111, a personal services agreement between the County of Nassau acting on behalf of the Nassau County Office of Housing and Homeless Services and Bethany House of Nassau County Corporation.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Walker.

Who do we have here to speak on this item, please? It's E-111. Mr. Sarcone, is that you?

MR. SARCONE: Hello. Good afternoon. John Sarcone, Housing and Community Development.

This is a shelter provider between DSS

2 and Housing. They provide emergency services for
3 homeless participants.

4 CHAIRWOMAN GONSALVES: Any questions or
5 comments for Mr. Sarcone?

6 (No verbal response.)

7 Any public comment?

8 (No verbal response.)

9 There being none; all those in favor of
10 E-111 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The item passes unanimously.

15 Thank you, Mr. Sarcone.

16 MR. SARCONI: You're welcome.

17 CHAIRWOMAN GONSALVES: The next one is
18 E-126, a special counsel contract entered into by
19 Nassau County Attorney and Lewis Johs Avallone
20 Aviles, LLP.

21 Motion, please?

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR NICOLELLO: Second.

24 CHAIRWOMAN GONSALVES: Moved by
25 Legislator Dunne, seconded by Legislator

Nicolello.

Ms. Locurto.

MS. LOCURTO: Legislator, if it's all right, I'm going to ask that you table this one as well. I have a question on it and I want to make sure I'm giving you accurate information.

CHAIRWOMAN GONSALVES: Motion to table, please?

LEGISLATOR NICOLELLO: So moved.

LEGISLATOR DUNNE: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Nicolello, seconded by Legislator Dunne.

All those in favor of tabling Item E-126 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item is tabled.

The next item is E-128, a personal services agreement between the County of Nassau acting on behalf of the Department of Public Works and VHB Engineering, Surveying, and Landscape Architecture, P.C.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Dunne, seconded by Legislator
Nicolello.

Mr. Arnold.

MR. ARNOLD: E-128 is a contract
amendment to our on-call traffic engineering and
construction management contracts. This one is
with VHB. It's for a cap increase of \$500,000
and extension until the end of the year.

CHAIRWOMAN GONSALVES: Any questions or
comments for Mr. Arnold?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
E-128 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

The next item is E-129, a personal

services agreement between the County of Nassau acting on behalf of the Department of Fire Commission and Nassau County Vocational Education and Extension Board.

LEGISLATOR WALKER: So moved.

LEGISLATOR DUNNE: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Walker, seconded by Legislator Dunne.

Welcome, Assistant Chief Priest.

MR. PRIEST: Good afternoon, Madam Presiding Officer. John Priest, Nassau County Fire Marshal's Office.

The item before you is a supplemental appropriation to add \$300,000 of grant money to the VEEB contract. This money is only available for teaching NIMS and incident command, and that is one of VEEB's primary functions.

CHAIRWOMAN GONSALVES: Any questions of Assistant Chief Priest?

(No verbal response.)

Any comments from the public?

(No verbal response.)

There being none; all those in favor of E-129 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

The next item is E-130, a personal services agreement between the County of Nassau acting on behalf of the Department of Public Works and ECG Engineer, P.C.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Walker.

I'm going to ask for a motion to table this item, Item E-130.

LEGISLATOR NICOLELLO: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Nicolello, seconded by Legislator Walker.

All those in favor of tabling Item E-130 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item is tabled.

The next item is E-131, a personal services agreement between the County of Nassau, acting on behalf of the Nassau County Department of Parks, Recreation, and Museums and Ed Moore Advertising, Inc.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Walker, seconded by Legislator Nicolello.

Anyone here to speak on this item?

MS. KRIEB: Eileen Krieb, Parks Department. This is a personal services agreement with Ed Moore Agency to provide advertising opportunities for the parks department. It's funded through the hotel/motel grant. It was bid through the RFP process.

CHAIRWOMAN GONSALVES: Any questions of Ms. Krieb? Minority Leader Abrahams.

LEGISLATOR ABRAHAMS: This was the only proposal received, correct?

MS. KRIEB: Yes.

LEGISLATOR ABRAHAMS: Same question I asked Mr. Arnold. When we do this type of thing -- and this contract is much lower than the contracts we were talking about regarding DPW for \$150,000 -- what is the process to determine whether or not we actually bid it again, if there is a process, to bid it again when we only get one proposal?

MR. KRIEB: We advertised the bid. We had 172 potential proposals request copies of it. Only three actually printed it and one responded. So we look at the response level of the inquiries that come through the bidding process.

LEGISLATOR ABRAHAMS: And you were comfortable with three out of 100-and? How many actually looked at it?

MS. KRIEB: 172 looked at it and three accepted, and then we received one.

LEGISLATOR ABRAHAMS: Received one?

MS. KRIEB: Uhm, hum.

LEGISLATOR ABRAHAMS: And the department is comfortable with that process?

MS. KRIEB: Yes.

LEGISLATOR ABRAHAMS: Okay. Thank you.

MS. KRIEB: Thank you.

CHAIRWOMAN GONSALVES: Any other questions or comments?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of Item E-131 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

The next item is E-133, a personal services agreement between the County of Nassau, acting on behalf of the Nassau County Department of Health and Civic Solutions Group, LLC.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR DUNNE: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Walker, seconded by Legislator Dunne.

And we have?

MS. LAURAIN: Good afternoon. Mary

Ellen Laurain, Department of Health.

CHAIRWOMAN GONSALVES: Good afternoon,
Mary Ellen.

MS. LAURAIN: Item E-133-15 is an
amendment to a contract with Civic Solutions.
It's in the amount of \$19,952. This is for the
preschool Medicaid billing services, and this is
because more Medicaid revenue, additional
revenue.

CHAIRWOMAN GONSALVES: Any questions
from the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those --

LEGISLATOR ABRAHAMS: Hold on one
second, Madam Presiding Officer.

CHAIRWOMAN GONSALVES: Minority Leader
Abrahams.

LEGISLATOR ABRAHAMS: Hi. How are you?

MS. LAURAIN: Good. Thank you.

LEGISLATOR ABRAHAMS: Just a quick
question. There was a similar contract that we
passed on June 29 between James McGuinness &

Associates and the department for Medicaid billing services for preschool special education program from January 1, 2015 through December 31, 2015. The compensation would be made in arrears of the -- the contract seems similar. We just want to make sure it's not redundant.

MS. LAURAIN: That was a new RFP. So we went out with a new vendor. This contract was from 2013 and 2014.

LEGISLATOR ABRAHAMS: The services they're providing, are they similar?

MS. LAURAIN: Yes.

LEGISLATOR ABRAHAMS: They are similar.

MS. LAURAIN: Yes. I might stress that this is mandated per New York State Article 6 Public Health Law.

LEGISLATOR ABRAHAMS: And the services couldn't be consolidated into the contract that we're doing today?

MS. LAURAIN: We went out with a new RFP and a new vendor was selected, that was the last contract, I believe in June.

LEGISLATOR ABRAHAMS: How many contracts are out there from vendors that are

doing this similar service?

MS. LAURAIN: This is for a different -- because of Medicaid rules, I believe there are 24 months -- I believe the state may have changed it to 12 months. This is from services from 2013 and 2014.

LEGISLATOR ABRAHAMS: So they're not longer with the county? They're no longer providing the service to the county?

MS. LAURAIN: Once the billing ends we will have a new provider.

LEGISLATOR ABRAHAMS: And the new entity is James McGuinness?

MS. LAURAIN: Correct. And he will start looking at services from January of this year.

LEGISLATOR ABRAHAMS: Nothing further. Thank you.

CHAIRWOMAN GONSALVES: Any other questions or comments?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of

Item E-133 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

The next item is E-134, a special counsel contract entered into by Nassau County Attorney and Berkman, Henoch, Peterson, Peddy & Fenchel, P.C.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Walker.

MS. LOCURTO: This is an amendment to an existing contract. The purpose of the amendment will cover the services of wrapping up an appeal that was taken. The county was successful on its granted summary judgment motion, which was appealed by the plaintiffs. The additional funding for this contract amendment will provide for the wrapping up of that appeal.

CHAIRWOMAN GONSALVES: Any questions or comments? Minority Leader Abrahams.

LEGISLATOR ABRAHAMS: Thank you, Madam
Presiding Officer.

Ms. Locurto, this is not anything against
your work in putting together this contract to
come before us today. But our position has
always been on outside counsel, especially when
we feel that it could be done in-house, that we
would vote no. I just don't want you to think it
was any direction of what you've put together.

This contract, we believe, can be done
in-house, and that has been our position when it
comes to outside counsel that is being done for
in-house purposes.

CHAIRWOMAN GONSALVES: Any other
comments?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
E-134 signify by saying aye.

(Aye.)

Any opposed?

(Nay.)

The item passes four to three.

The next item is E-135, a special counsel contract entered into by the Nassau County Attorney and Lewis Johs Avallone Aviles, LLP.

LEGISLATOR WALKER: So moved.

LEGISLATOR DUNNE: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Walker, seconded by Legislator Dunne.

Ms. Locurto.

MS. LOCURTO: Yes. This is a federal civil rights lawsuit that has been filed against the county. It has been filed in the Eastern District, which is in Central Islip. It's been assigned to Judge Bianco.

There are multiple defendants involved in this litigation. Due to the complexity of the litigation and the potential for conflicts, it was determined that special counsel was needed to assist us in defending the litigation.

The contract before you will cover the stay, which has been lifted, and the ongoing discovery, which should be concluded shortly.

CHAIRWOMAN GONSALVES: Any questions or comments from the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor of E-135 signify by
saying aye.

(Aye.)

Any opposed?

(Nay.)

The item passes four to three.

Item E-136, a special counsel contract
entered into by the Nassau County Attorney and
Peter J. Tomao, Esquire.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Dunne, seconded by Legislator Walker.

Ms. Locurto.

MS. LOCURTO: This special counsel
contract is to retain counsel because Judge
Seiberg had determined and ordered that there was
a conflict of interest in the county continuing
to represent one of the defendant police
officers.

This counsel, Mr. Tomao, will be

representing the police officer and ongoing appeal in the *Restivo, Holstead, Colgett* litigation. So that is the purpose of this contract.

Minority Leader Abrahams.

LEGISLATOR ABRAHAMS: Ms. Locurto, yeah, I was going to ask you in regards to that. Being that the judge or that we seek outside counsel because of the conflict of interest. Prior to what I said two items ago, we're actually going to vote for this one because of that, so I just wanted to let you know. Normally, we would encourage the county attorney's office to try to seek in-house counsel before seeking outside.

MS. LOCONSOLO: Understood. Thank you.

LEGISLATOR ABRAHAMS: Thank you.

CHAIRWOMAN GONSALVES: Any other comments or questions from the legislators?

(No verbal response.)

Public comment?

(No verbal response.)

There being none; all those in favor E-136 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

The next item is E-137, a personal services agreement between the County of Nassau, acting on behalf of the Nassau County Medical Examiner and Dr. Peter Farmer.

LEGISLATOR WALKER: So moved.

LEGISLATOR DUNNE: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Walker, seconded by Legislator Dunne.

MS. TEMPESTA: Good afternoon. Kim Tempesta, medical examiner's office.

This item is for a one year renewal on a personal services contract for our forensic neuropathologist, Dr. Peter Farmer. Essentially, we utilize his high-level expertise in helping to determine cause and manner of death.

CHAIRWOMAN GONSALVES: Any questions?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of

E-137 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Thank you very much.

The next item is E-138, a special counsel contract entered into by the Nassau County Attorney and Lewis Johs Avallone Aviles, LLP.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Walker.

Ms. Locurto.

MS. LOCURTO: Yes. This is another civil rights lawsuit brought against the county. It is also in federal court but the litigation is being heard in Brooklyn.

The reason this case is being assigned to outside counsel is there is a conflict of interest or a potential conflict of interest between the police officers and the county and the other named defendants. So, for this reason,

the law firm was retained and they are specifically representing the County of Nassau and Nassau County Police Department.

CHAIRWOMAN GONSALVES: Any questions or comments from the legislators? Minority Leader Abrahams.

LEGISLATOR ABRAHAMS: Thank you, Madam Presiding Officer.

Ms. Locurto, unlike the item from two ago, I believe it was 136, is there an order by the judge to use outside counsel?

MS. LOCURTO: There is no specific order, but because of the notice of claim filed and the limited discovery we've done, we've identified that there is a potential for conflict of interest and that might compromise the county's defense.

Our goal always is to defend the county and all its employees. So in fairness to the employees as well as the county, it's best to sever at this time and make sure all counsel is provided and so that adequate defenses can be made and everyone's rights are protected.

LEGISLATOR ABRAHAMS: Has the county

2 made any determination to indemnify these
3 officers?

4 MS. LOCURTO: I believe yes, they have
5 been indemnified.

6 LEGISLATOR ABRAHAMS: I see. Okay.

7 CHAIRWOMAN GONSALVES: Any questions or
8 comments from the legislators?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 All those in favor of E-138 signify by
13 saying aye.

14 (Aye.)

15 Any opposed?

16 (Nay.)

17 The item passes four to three.

18 The next item is E-140, a personal
19 services agreement between the County of Nassau,
20 acting on behalf of the Department of Public
21 Works and Municipal Testing Laboratory Inc.

22 Motion, please?

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR WALKER: Second.

25 CHAIRWOMAN GONSALVES: Moved by

Legislator Dunne, seconded by Legislator Walker.

Mr. Arnold.

MR. ARNOLD: E-140 is a contract amendment with Municipal Testing Services to extend their contract. They provide testing for the department during our construction activity, whether it's road, sanitary sewer, or building related.

CHAIRWOMAN GONSALVES: Any questions of Mr. Arnold on this item?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of E-140 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Let's go back to B-29. I think that was in reference to RJ Industries and reimbursements, I believe. Was that the question?

MR. ARNOLD: Yes.

CHAIRWOMAN GONSALVES: So what do we

have?

MR. ARNOLD: Okay. I spoke with Joe Davenport, our chief sanitary engineer. The emergency heat provided last year of \$5,000 a day served only the most critical of the buildings that were out of service and only provided minimal heat to keep things from freezing.

Currently, we have 12 buildings that require temporary heat. The contract proposed would not only heat the building, it would heat them adequately for the worker's safety, 65, 68 degrees. Last year we only heated the buildings to 40 degrees to keep everything from freezing. Last year, six buildings cost approximately \$1 million for temporary heat. If you apply that to 12 buildings that's about \$2.1 million per year. We have three heating seasons left until the construction is complete. The department would be outlaying approximately six, \$6.5 million for temporary heat. The contract that we propose today is only for \$3.9 million.

CHAIRWOMAN GONSALVES: I need a motion to un-table the item.

LEGISLATOR NICOLELLO: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Nicolello, seconded by Legislator
Walker.

All those in favor of un-tabling it?

(Aye.)

Any opposed?

(No verbal response.)

It is officially un-tabled, Mr. Arnold.

Any questions of Mr. Arnold on the
information that he just presented to us?
Legislator Nicolello.

LEGISLATOR NICOLELLO: I just wanted to
say thank you, Mr. Arnold. I appreciate you
getting back to us with that information.

MR. ARNOLD: It was a good point. When
you read through the backup it doesn't adequately
address the situation.

CHAIRWOMAN GONSALVES: Any other
comments?

(No verbal response.)

There being none; all those in favor of
B-29 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

E-141, a personal services agreement between the County of Nassau, acting on behalf of the Nassau County Department of Public Works and Haks Engineers, Architects and Land Surveyors, P.C.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Walker, seconded by Legislator Nicolello.

Mr. Arnold, we're keeping you busy today.

MR. ARNOLD: Just give me one second. I'm out of order here.

CHAIRWOMAN GONSALVES: Okay. As Mr. Arnold is looking up what he needs to look up, I think since E-142 is related to E-141, may I have a motion, please, for E-142, which is a personal services agreement between the County of Nassau, acting on behalf of the Department of Public Works and Haks Engineers, Architects, and Land

Surveyors, P.C.

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Motion by
Legislator Dunne, seconded by Legislator Walker.

Now you can speak on both of them.

MR. ARNOLD: Okay. Thank you.

E-141 is a construction management
contract related to the primary and second
clarifier improvements at the Glen Cove Sewage
Treatment Plant. Haks will be providing
construction management services during that
construction activity.

CHAIRWOMAN GONSALVES: Any questions
regarding E-141? Legislator Jacobs.

LEGISLATOR JACOBS: Sorry. Thank you.

First, one question. Was the blower put
in to this plant?

MR. ARNOLD: Yes. That project was
completed.

LEGISLATOR JACOBS: It was. Okay.
Good. That's my first question.

My next thing is on the funding basis
here, what does the allowance -- one is for

\$367,388.56 and there are allowances of \$110,216.56; what are those allowances?

MR. ARNOLD: The allowances are if we require some additional services. An example, if we have to an asbestos survey, which wouldn't happen in this case, but in some cases we have to do an asbestos survey. There could be some confined space that we need a special person to go look at while they're doing this work. It just gives us some ability to cover some unforeseen circumstances that would come up during construction.

LEGISLATOR JACOBS: Is it possible then that we may not have to expend that money?

MR. ARNOLD: That is correct.

LEGISLATOR JACOBS: Okay. Thank you very much.

CHAIRWOMAN GONSALVES: Any other questions or comments on either item, E-141 or E-142? Did you speak on E-142?

MR. ARNOLD: I did not speak on E-142.

CHAIRWOMAN GONSALVES: Okay. Please speak on E-142.

MR. ARNOLD: E-142 is a contract

amendment with Haks. They're our construction management firm for the rehabilitation of the First Precinct in Baldwin. This was required because we had a late start on construction due to the Huntington Learning Center building that we took. It took longer to close on that contract. In addition, there was asbestos work that delayed the beginning of that project for approximately two months. So the duration of the contract lengthened because of that.

LEGISLATOR SOLAGES: Presiding Officer?

CHAIRWOMAN GONSALVES: Legislator Solages.

LEGISLATOR SOLAGES: Thank you very much, Madam Presiding Officer.

Good afternoon. Quick question, just for clarification. Is this Haks P.C. or Haks Engineer, Architects and Land Surveyors P.C.? I just need a specific name and address because it's not clear.

MR. ARNOLD: Let me look at the disclosure statement.

LEGISLATOR SOLAGES: The contract is what governs here and it's not clear on the

contract, this is why I'm asking.

MR. ARNOLD: Okay. I'm looking. 142 is Haks Engineers and Architects, as stated in the contract. For Item 142, it's Haks Engineers, Architects, as stated in their contract itself. That is correct.

LEGISLATOR SOLAGES: Okay. Thank you.

CHAIRWOMAN GONSALVES: Any other questions or comments?

(No verbal response.)

Any public comment on either one, E-141, E-142?

(No verbal response.)

There being none; all those in favor of E-141 and E-142 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The items pass unanimously.

The next item is E-143, a personal services agreement between the County of Nassau, acting on behalf of the Nassau County Department of Parks, Recreation, and Museums and Philip Cetron, Inc.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Dunne, seconded by Legislator
Nicolello.

Ms. Krieb, are you going to speak on this
one? While you're doing that, I can probably
call 144 as well.

I'm going to call E-144, a personal
services agreement between the County of Nassau,
acting on the Nassau County Department of Parks,
Recreation and Museums, and Philp Citron, Inc.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Dunne, seconded by Legislator Walker.

MS. KRIEB: Good afternoon. Eileen
Krieb from the Department of Parks.

Both of these contracts are special
service contracts with Phil Citron, Incorporated,
to promote the services of the performers at
Lakeside for the summer. They're both each for

one contract and are being funded through
hotel/motel grant fund.

CHAIRWOMAN GONSALVES: Any questions of
Ms. Krieb?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
Items E-143 and E-144 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The items pass unanimously.

I have Item E-152, a personal services
agreement between the County of Nassau, acting on
behalf of the Department of Public Works, and
Cameron Engineering and Associates, LLP.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Dunne, seconded by Legislator Walker.

And we have Mr. Arnold back again.

MR. ARNOLD: Thank you. Ken Arnold,

Public Works.

E-152 is a contract amendment with Cameron Engineering. Cameron Engineering is the design consultant associated with the Cedarhurst Lawrence consolidation. This amendment is for an extension of time and for funding. The contract initial that was proposed had the demolition of the village facilities as part of the original contract. Due to the delay of the inter-connect, because of the condition of Bay Park it is felt best by the county that we took the demolition of those plants out of the existing contract and will be bidding special contracts for them so that we can close out the construction contracts to the liking of both the county and the contractor. Because of that, there will be an extension required for Cameron and additional services to bid separate demolition contracts.

CHAIRWOMAN GONSALVES: Any questions of Mr. Arnold on this item?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of

E-152 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

We can un-table two items. I think it's
E-102 and E-126, correct? A motion to un-table
the two items?

LEGISLATOR NICOLELLO: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Motion by
Legislator Nicolello, seconded by Legislator
Walker.

All those in favor of un-tabling two
items, E-102 and E-126, signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The items are un-tabled.

E-102.

MS. LOCURTO: E-102, yes, Legislator
Jacobs, in answer to your question the matter was
resolved back in May. The delay in getting the
contract here unfortunately was we had submitted

the contract I think back in January but there were financial disclosure statements that were needed to be added to the contract, and the case was resolved prior to that contract coming here to the county. However, the contract actually will cover just the services provided from the start term of February 2015 until May, obviously, and any other billings, and then the contract, if there are any additional monies, will be disencumbered and put back for use. So we saved money ultimately. So this will just cover the current legal services already provided.

LEGISLATOR JACOBS: Okay. I thank you very much.

MS. LOCURTO: And then for contract E-126, this is also a federal civil rights lawsuit in federal court. The name of the case is *Charles Miller v. The County and various defendants*. Because of the multiple defendants involved and the conflict of interest, counsel has been retained to represent certain defendants in this lawsuit. It is because of the conflict of interest that the county needs to retain outside counsel so that we can develop a strategy

2 that defends all the parties fairly and
3 adequately.

4 CHAIRWOMAN GONSALVES: Any questions on
5 this item?

6 (No verbal response.)

7 Any public comment?

8 (No verbal response.)

9 Okay. There being none; all those in
10 favor of E-102 and E-126 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (Nay.)

14 The items pass four to three.

15 I believe that ends the contract portion
16 of the Rules Committee. We'll take a recess.

17 (Whereupon, the Rules Committee recessed
18 at 2:12 p.m.)

19 (Whereupon, the Rules Committee
20 reconvened at 4:26 p.m.)

21 CHAIRWOMAN GONSALVES: The Rules
22 Committee is now back in session.

23 Before we begin, as customary, there are
24 several items that are on the consent calendar,
25 and in this case it seems that most of them are.

And the testimony from the committees will be incorporated into the Rules Committee. But before we start, I'd like to have someone make a motion to suspend the rules, please.

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Walker.

All those in favor of suspending the rules signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The rules are now suspended.

I'm going through the entire consent calendar. Remember what I just said; these have already gone through committees and the testimony will be incorporated into the Rules Committee.

Item 46, Item 264, Item 265, Item 266, Item 267, Item 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 297, 298 - since we did suspend the rules I'm going to the addendum, which is Item 301, Item 302, Item 303,

and that's it.

All those in favor of the items I just called -- motion?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Walker.

I'm sure, as I said, all the comment will be incorporated into the Rules Committee.

(Whereupon, the following are the minutes of the July 27, 2015 Finance Committee pertaining to Clerk Items 46, 265, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 297, 298, 301, 302, and 303-2014.)

Item 46-2015 is a resolution authorizing the county executive to execute a grant agreement between the County of Nassau, acting on behalf of the Department of Parks, Recreation and Museums, and The Jewish Heritage Society of the Five Towns.

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRMAN NICOLELLO: Moved by Legislator

Walker, seconded by Legislator MacKenzie.

Any discussion on this item?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

It carries unanimously.

Items 265, 266, 267, 268, 269, 270, 271, 272-2105, these are all ordinance supplemental to the annual appropriation ordinance in connection with the Office of Housing and Community Development, Department of Parks, Recreation, and Museums, Social Services, Health and Mental Health, Chemical Dependency, and Developmental Disability Services.

LEGISLATOR MUSCARELLA: So moved.

LEGISLATOR WALKER: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Muscarella, seconded by Legislator Walker.

Any discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those items carry unanimously.

Item 273-2015 is a resolution to authorize the transfer of appropriations heretofore made within the budget for the year 2015.

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator Muscarella.

Is there anyone here to discuss this item, which is Item 273-2015? It's a budget transfer.

MS. D'ALLEVA: Hi. This is Roseanne D'Alleva from the Budget Office. This is an overall budget transfer at this time to transfer funds to support certain departmental functions.

CHAIRMAN NICOLELLO: Where is the money coming from and going to?

2 MS. D'ALLEVA: Mostly, the money -- the
3 funds are coming from debt service, due to
4 lowering borrowings and delayed borrowings.

5 CHAIRMAN NICOLELLO: And it's going to
6 which department?

7 MS. D'ALLEVA: We have funds going to
8 parks, Department of Information Technology,
9 police, public works.

10 CHAIRMAN NICOLELLO: In terms of the
11 parks department, how is going to the parks?

12 MS. D'ALLEVA: Approximately \$4 million,
13 \$4.5 million.

14 CHAIRMAN NICOLELLO: And what's the
15 necessity of that?

16 MS. D'ALLEVA: There are several
17 factors, one of which is they are funding a youth
18 program with DSS for at least 50 seasonal
19 employees. There was some unexpected snow,
20 overtime paid out of their budget, other overtime
21 in terms of the harsh winter that they suffered.
22 There are a myriad of reasons.

23 CHAIRMAN NICOLELLO: Does anyone else
24 have any questions? Legislator DeRiggi-Whitton.

25 LEGISLATOR DeRIGGI-WHITTON: Thank you.

2 Are you aware of any transfers to the debt
3 services from capital recently?

4 MS. D'ALLEVA: Debt service from
5 capital?

6 LEGISLATOR DeRIGGI-WHITTON: Yeah.

7 MS. D'ALLEVA: No.

8 LEGISLATOR DeRIGGI-WHITTON: So this is
9 the original budgeted amount for the debt
10 service?

11 MS. D'ALLEVA: Yes. The \$9.5 million
12 was appropriated in the debt service fund to pay
13 interest and principle, yes.

14 LEGISLATOR DeRIGGI-WHITTON: The
15 original amount?

16 MS. D'ALLEVA: Yes.

17 LEGISLATOR DeRIGGI-WHITTON: You haven't
18 transferred any money in there from capital to
19 increase the amount, as far as you know?

20 MS. D'ALLEVA: No.

21 LEGISLATOR DeRIGGI-WHITTON: Okay. All
22 right. Thank you.

23 CHAIRMAN NICOLELLO: Okay. Any other
24 discussion?

25 (No verbal response.)

Thank you, Ms. D'Alleva.

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item carries unanimously.

Items 274 and 275-2015 are ordinances supplemental to the annual appropriation ordinance in connection with the district attorney's office and the correctional center.

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator MacKenzie.

Any discussion on these items?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those two carry unanimously.

Items 276 and 277-2015 are resolutions to authorize the transfer of appropriations heretofore made within the budget for the year 2015.

LEGISLATOR MUSCARELLA: So moved.

LEGISLATOR WALKER: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Muscarella, seconded by Legislator Walker.

Any discussion on these two transfers?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

The items carry unanimously.

Item 278-2015 is an ordinance making certain determinations pursuant to the State Environmental Quality Review Act and authorizing the county executive of the County of Nassau to accept, on behalf of the county, an offer of purchase from Journal Castma of certain premises

located in the Town of North Hempstead.

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator Muscarella.

Any discussion on this item?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

The item carries unanimously.

Item 279-2015 is a resolution to authorize the transfer of appropriations heretofore made within the budget for the year 2015.

LEGISLATOR MACKENZIE: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN NICOLELLO: Moved by Legislator MacKenzie, seconded by Legislator Muscarella.

Any discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

That item carries unanimously.

280-15 is a resolution authorizing the County of Nassau to execute an agreement with the New York State Department of State in relation to the local waterfront revitalization program for the advancement of the 2006 Environmental bond Act project and South Shore Blueway Trail Project within Nassau County.

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator MacKenzie.

I just ask that the minutes of the Public Works Committee be incorporated by reference.

(Whereupon, the following are the minutes of the Public Works Committee pertaining to Clerk Item 280-15.)

We'll now go to Item 280-2015, a

resolution authorizing the County of Nassau to execute an agreement with the New York State Department of State in relation to the local waterfront revitalization program for the advancement of the 2006 Environmental Bond Act project and South Shore Blueway Trail Project within Nassau County.

Motion by Mr. Becker, seconded by Mr. MacKenzie.

Mr. Schneider.

MR. SCHNEIDER: Good afternoon. Brian Schneider from Public Works.

We're requesting approval for Nassau County to execute an agreement with the New York State Department of State. The total amount of the grant is \$480,000, which is a 50/50 match, so \$240,000 will be coming from the county.

This grant, through the local waterfront revitalization program, will permit the county to construct kayak and other non-motorized boat launches at seven locations in various county parks along the south shore of the county in support of the 2006 Environmental Bond Act project known as the South Shore Blueway Trail.

2 The grant supervision and management will be
3 provided by DPW.

4 CHAIRMAN MUSCARELLA: Any questions?

5 Mr. Becker.

6 LEGISLATOR BECKER: The boat launches,
7 are they cement or are they just, you know?

8 MR. SCHNEIDER: There are various types.
9 Some of the launches are actually considered
10 beach launches, so we'd be installing what's
11 called a MOBY mat, which is actually an ADA
12 compliant mat which will allow kayakers to access
13 the water from the parking lot, getting their
14 kayaks into the water. Other more constructed
15 boat launches are these ADA compliant ramps,
16 which are kind of already fabricated but they
17 need to be mounted on pilings. They will go up
18 and down with the existing boat ramps.

19 LEGISLATOR BECKER: I gather they last a
20 while.

21 MR. SCHNEIDER: Oh, yeah. It's just
22 like any other boat launch in a marina, very
23 similar.

24 LEGISLATOR BECKER: Thank you.

25 MR. SCHNEIDER: You're welcome.

CHAIRMAN MUSCARELLA: Thank you.

Mr. Solages.

LEGISLATOR SOLAGES: Thank you. Good afternoon, Mr. Schneider.

MR. SCHNEIDER: Good afternoon.

LEGISLATOR SOLAGES: With the Inwood Park boat ramp, what exactly would it entail? How many launching ramps will there be for the kayak boats?

MR. SCHNEIDER: For Inwood, which is being completely redesigned as far as the bulkhead is concerned, but there is a boat launch right in that park. That will be a floating ramp which will be extended out from the bottom of the boat ramp. You would be able to access the bottom of the ramp for launching your kayak, just like we're going to build at Wantagh Park, it's going to be very similar, and also at Milburn Boat Basin. It's basically an ADA compliant launch which will be extended from the bottom of the ramp.

LEGISLATOR SOLAGES: Will be assessing fees? Specific with the Inwood location, there are many people from Far Rockaway and Queens, in

general, who come to use that location, so how can we make sure that we can make sure that Nassau residents benefit primarily from this?

MR. SCHNEIDER: I can't speak for the parks department. I know they have fees for launching boats, whether they're motorized or non-motorized. It would require a parks representative, whether it's a seasonal worker during the season, to be present to make sure that the person has a -- has paid a fee to launch their vehicle. Because Inwood is kind of under repair right now and it's actually closed, I don't think the parks department has anybody at that location on a seasonal-type basis. After the bulkhead is repaired and the kayak launch is installed in Inwood, then the parks department should be able to have somebody at that location during the season.

LEGISLATOR SOLAGES: And when will that be, will the bulkheads be repaired and the kayak launching pad established?

MR. SCHNEIDER: Well, the Inwood project is still in design right now. I would image after permits are received that it should be

constructed in some time 2017.

LEGISLATOR SOLAGES: Thank you.

CHAIRMAN MUSCARELLA: Any other questions?

LEGISLATOR RHOADS: Yes, Mr. Chairman.

CHAIRMAN MUSCARELLA: Mr. Rhoads.

LEGISLATOR RHOADS: Thank you.

Mr. Schneider, is there any chance you might be able to send to my office where in Cedar Creek and Wantagh Park the launch is going to be? Do they have it mapped out already?

LEGISLATOR RHOADS: The one at Wantagh Park is actually mapped and designed. The one at Cedar Creek is a little bit of an issue because the one that was designed was basically an elevated boardwalk leading to a beach launch. Very, very difficult, expensive. DEC would require -- you need a permit from the DEC. There also maybe some conflicts with the folks who use the aerodrome. So as of right now that is really the only one out of the seven that is a little bit nebulous.

LEGISLATOR RHOADS: Thank you.

CHAIRMAN MUSCARELLA: Any other

questions?

(No verbal response.)

All those in favor signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

That item carries.

(Whereupon, the following is the continuation of the minutes of the July 27, 2015 Finance Committee meeting.)

CHAIRMAN NICOLELLO: Any discussion on this item? Legislator Curran.

LEGISLATOR CURRAN: Since one of these is in my district. I know you answered it a little bit before. I'm just curious to know more of the scope of the work at Milburn - what it will look like, what it's going to entail, and if there is any sense of how long - you said 2017, can you maybe narrow it down a little bit?

MR. SCHNEIDER: Brian Schneider from Public Works. Actually, 2017 was for the Inwood project.

LEGISLATOR CURRAN: Okay.

MR. SCHNEIDER: The Milburn Park

renovation is actually going to kick off, I would say, mid-August or Labor Day, the latest.

LEGISLATOR CURRAN: Great.

MR. SCHNEIDER: That renovation includes complete replacement of the bulkhead, installation of a new comfort station, which hasn't been there in many, many years. There is new landscaping, new lighting, new seating going all the way up the Milburn Park going all the way up to Merrick Road. There will also be an ADA compliant kayak launch, as part of this grant, which will be installed at the boat basin. Also new pervious paving for the parking area. It's really going to be a major renovation to that really underutilized park. I think it's going to be a huge improvement for the community.

LEGISLATOR CURRAN: So pervious and that water can come down.

MR. SCHNEIDER: Exactly right. It reduces the amount of runoff that will be discharged into the canal.

LEGISLATOR CURRAN: I'm so glad I asked. Very interesting.

How long will it take?

MR. SCHNEIDER: It's a one-year project. Again, commencing, I would say -- let's just say Labor Day. Even though the funds are encumbered, we're waiting for the conform contract book to come back and NIFA approval. But everything is going to be on track for a September 1 start.

LEGISLATOR CURRAN: I don't know if you know about the cardboard boat race, the annual cardboard boat race there. They're planning it for the Sunday after Labor Day; should they maybe change the date?

MR. SCHNEIDER: No. Nothing is really going to be impacted. Even though we issue a notice to proceed, there's a lot of paperwork that needs to be provided by the contractor as far as all of the submittals that need to get prepared and reviewed by the department, so there probably will not be that much activity going on the week after. They may put a construction trailer and set up some temporary construction fence, but certainly nothing that's going to impact the event.

LEGISLATOR CURRAN: Are there any other -- are we doing other pervious lots like this?

This sounds like such a great idea.

MR. SCHNEIDER: Whenever we had that opportunity, it is something that we have explored and have installed at a couple of different locations. Even though it sounds like a really fantastic way to use low impact development, it does require some maintenance. The pores of the pavement itself need to be blown out to make sure that they're not going to get clogged. It is a little bit more maintenance intensive but it does perform a really significant function, as far as reducing the amount of runoff that would fall off of an impervious surface.

LEGISLATOR CURRAN: And is that technology relatively new?

MR. SCHNEIDER: Let's just say it's been an emerging technology. It really is not so significantly different in the type of asphalt. It's really how it's applied and making sure that there is a drainage layer below that that will allow the water that does percolate through the pervious surface to then infiltrate down into the water table.

LEGISLATOR CURRAN: Great. Very interesting. Thank you very much.

MR. SCHNEIDER: You're welcome.

CHAIRMAN NICOLELLO: Any other questions for Mr. Schneider?

(No verbal response.)

Thank you very much.

Any other discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

The item carries unanimously.

Items 281, 282, and 283-2015 are ordinance supplemental to the annual appropriation ordinance in connection with the Office of Housing and Community Development and the Department of Health.

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN NICOLELLO: Moved by Legislator

Walker, seconded by Legislator Muscarella.

Any discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those items carry unanimously.

The next three items are 284, 285, and 286-2015. These are resolutions to authorize the county assessor and/or the county treasurer and/or the receiver of taxes of the Town of Hempstead, Town of Oyster Bay, and City of Long Beach to correct erroneous assessments and taxes in accordance with petitions of the county assessor on specific properties located in various school districts.

LEGISLATOR MACKENZIE: So moved.

LEGISLATOR WALKER: Second.

CHAIRMAN NICOLELLO: Moved by Legislator MacKenzie, seconded by Legislator Walker.

Any discussion on these three items?

(No verbal response.)

Public comment?

(No verbal response.)

Hearing none; all in favor signify by
saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those three items carry unanimously.

Item 287-2015 is an ordinance
supplemental to the annual appropriation
ordinance in connection with the Office of
Housing and Community Development.

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN NICOLELLO: Moved by Legislator
Walker, seconded by Legislator Muscarella.

Any discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

It carries unanimously.

Items 288 and 289-2015 are resolutions to authorize the County of Nassau to participate in a federal aid transportation project providing for the resurfacing of various county roads, Phase 33, Pin 0760.43 and authorizing the county executive of the County of Nassau to execute the agreement on behalf of the County with the State Department of Transportation.

The second item, 289, relates to providing for the in-kind replacement of Long Beach Road over Barnum Island Creek.

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator Muscarella.

Any discussion on these two items?
Legislator DeRiggi-Whitton.

LEGISLATOR DeRIGGI-WHITTON: I'm just curious. This is through FEMA, correct? No. It's through New York State Department of Transportation.

MS. BOYLE: Correct. It is not through

FEMA. It is through FHWA.

LEGISLATOR DeRIGGI-WHITTON: Is this just something they do periodically?

MS. BOYLE: The Transportation Act is a bill that is funded by the federal government. It typically runs every five years; however, we're on about our millionth short-term extension as opposed to a long-term funding plan. We should be getting new numbers and have new transportation solicitation that go out within the next four months or so.

LEGISLATOR DeRIGGI-WHITTON: How do we determine what roads or what area? Does it have to do with major flooding?

MS. BOYLE: No. It doesn't have to do with flooding. It has to do with transportation facilities. The way that -- some roads are not eligible to be resurfaced with FHWA money. Only roads that are identified as arterials or national highway roads, for instance. Peninsula Boulevard would qualify for funding. However, a local street won't qualify for funding. It has to be designated by the federal government as a road. Park Boulevard within Eisenhower Park is a

2 road on county property; it is not considered a
3 road by the federal government so that one
4 wouldn't be eligible for FHWA funding.

5 It's -- I don't want to use the word
6 technical because anyone could understand it.
7 It's just there are a list of rules and you have
8 to check the boxes.

9 LEGISLATOR DeRIGGI-WHITTON: Believe it
10 or not, I have another West Shore Road -- well,
11 it's not West Shore Road -- just Shore Road in
12 North Hempstead --

13 MS. BOYLE: That's on a different
14 resurfacing that we're currently working on the
15 plans for right now. So I don't believe -- this
16 is my opinion. I don't believe you would want me
17 to delay and take it off the project that it's on
18 now and put it on a federal aid job.

19 LEGISLATOR DeRIGGI-WHITTON: I just
20 heard that we were starting with the Army Corps
21 of Engineers. I hadn't heard that it was
22 definitely on a list already.

23 MS. BOYLE: Yes. I believe it's Phase
24 50, but I would have to verify that.

25 LEGISLATOR DeRIGGI-WHITTON: Could you

2 get me that information? Again, this road is
3 also totally compromised. I don't want it to
4 collapse like the last one. I don't want to live
5 through that again. The one in Bayville I used
6 to have, and now I have this one in Port
7 Washington.

8 MS. BOYLE: They are two different
9 situations.

10 LEGISLATOR DeRIGGI-WHITTON: Correct.
11 But I saw the seawall is gone and things like
12 that. It just reminded me of that.

13 But if you could let me know what funding
14 is available for that. We were just starting to
15 look into the Army Corps of Engineer.

16 MS. BOYLE: This is Shore Road in the
17 City of Glen Cove.

18 LEGISLATOR DeRIGGI-WHITTON: No. No. I
19 have one there too.

20 MS. BOYLE: That's the one I was
21 referring to.

22 LEGISLATOR DeRIGGI-WHITTON: There is
23 one in North Hempstead. It's actually in Baxter
24 Estates, Port Washington. It's a main road out
25 of Sands Point.

2 MS. BOYLE: And it's called Shore Road?

3 LEGISLATOR DeRIGGI-WHITTON: Shore Road.
4 East Shore Road.

5 MS. BOYLE: That's a different road,
6 okay.

7 LEGISLATOR DeRIGGI-WHITTON: That was
8 also hit recently with the storms. The entire
9 seawall is gone.

10 MS. BOYLE: I will have to look into
11 that one. I'm sorry. I thought you were
12 referencing the one in Glen Cove.

13 LEGISLATOR DeRIGGI-WHITTON: I
14 apologize, I wasn't clear then. The one in Port
15 Washington.

16 MS. BOYLE: I have to investigate that
17 one.

18 LEGISLATOR DeRIGGI-WHITTON: If you
19 could, because we just are going to start with
20 the Army Corp. Before we get into that, maybe we
21 should see if something like this would be
22 available.

23 MS. BOYLE: Okay.

24 LEGISLATOR DeRIGGI-WHITTON: Thanks so
25 much.

MS. BOYLE: All right.

LEGISLATOR DeRIGGI-WHITTON: I'll talk
to you. Thank you.

CHAIRMAN NICOLELLO: Thank you.

Any other questions or discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor of these two items signify
by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

They pass unanimously.

Item 290-2015 is a resolution authorizing
the county executive to execute an amendment to a
grant agreement between the County of Nassau,
acting on behalf of the Department of Parks,
Recreation and Museums, and the Village of Sands
Point.

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRMAN NICOLELLO: Moved by Legislator
Walker, seconded by Legislator MacKenzie.

Any discussion on this item?

(No verbal response.)

Public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Carries unanimously.

Item 291-2015 is ordinance authorizing the county executive to execute an amendment to the certain lease dated as of February 2, 1990, between Nassau District Energy Corp., now known as Nassau Energy, LLC., as tenant, of certain premises described as Section 44, Block F, P/O Lot 317C on the land and tax map of the County of Nassau.

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator MacKenzie.

I know there has to be a change with respect to the lot number.

Also, I would like to incorporate by

reference the minutes of the Planning Committee.

There was extensive discussion and a presentation by Mr. Meyers of the firm of Pannone Lopes.

(Whereupon, the following are the minutes of the July 27, 2015 Planning, Development and Environment Committee pertaining to Clerk Item 291-15.)

The final item before this committee is Clerk Item Number 291-15, which is an ordinance authorizing the county executive to execute an amendment to the certain lease dated as of February 2, 1990, between Nassau District Energy Corp., now known as Nassau Energy, LLC., as tenant, of certain premises described as Section 44, Block F, P/O Lot 317C on the land and tax map of Nassau County located at Charles A. Lindbergh Boulevard, Uniondale, New York, all as in the lease more particularly described, and authorizing the county executive to execute all pertinent documents in connection therewith to consummate the lease amendment.

Can I have a motion?

LEGISLATOR DUNNE: So moved.

LEGISLATOR RHOADS: Second.

CHAIRWOMAN SCHAEFER: Moved by
Legislator Dunne, seconded by Legislator Rhoads.

Are you here to speak on this item?

MR. MEYERS: Yes.

CHAIRWOMAN SCHAEFER: Okay.

MR. MEYERS: Josh Meyers, Pannone Lopes
Devereaux & West, 81 Main Street, White Plains,
New York 10601.

So, this is an amendment to the existing
lease with Nassau Energy LLC. The County is
nearing the end of the 25 year lease with Nassau
Energy LLC to provide the thermal energy to a
number of customers within the HUB. That thermal
energy is hot and chilled water and steam, as
well.

Nassau Energy LLC, 25 years ago, utilized
private money to construction a co-generation
facility utilizing natural gas to generate
electricity, and this is the waste heat that is
thrown off of this facility powers the boilers
and chillers to send the thermal energy to these
nine different customers within the HUB.

Right now, the current lease expires in
2016. We're here today on the amendment to

extend for a one year or a two year period, at the discretion of the county. Also, there is a credit to the county for each year of that extension of 950,000, plus an additional credit based on a formula that's included in the amendment, for up to \$1.75 million in the first year and \$1.25 million in the second year, for a total potential credit to the county of \$4.9 million over the two year term.

The amendment itself is beneficial to the county because it's not clear what the electric rates will be over the next two years. We're going to go out to an RFP on this project for a lease, to continue a long-term lease of this facility or have someone, a new proposer come in and construct a new co-generation facility to give better rates for the county and its customers.

Just to go through it a little bit for the background. This facility is actually on the other side of Charles Lindbergh Boulevard, from the Coliseum. As I said, it was built approximately 25 years ago. It services nine different customers in the HUB. So it's the

2 Nassau Community College, the Coliseum, the
3 Cradle of Aviation Museum, the Marriott Hotel,
4 the Children's Museum, NUMC, the Correctional
5 Facility, the Aquatic Center, and the Eisenhower
6 Park technical services facility. Some of those
7 receive hot water and chilled water and the
8 remaining customers received steam.

9 As I indicated, what we're going to do is
10 go out for an RFP probably in the next three
11 weeks to a month to determine if we can get a new
12 proposer in there to operate the facility on a
13 long-term basis.

14 CHAIRWOMAN SCHAEFER: Thank you.

15 MR. MEYERS: Sure.

16 CHAIRWOMAN SCHAEFER: Does anyone have
17 any questions? Legislator Curran.

18 LEGISLATOR CURRAN: Hi.

19 MR. MEYERS: Hi. How are you?

20 LEGISLATOR CURRAN: I'm fine, thanks.

21 So, this is something with many moving parts, and
22 I have a few questions.

23 How was the \$950,000 for the credit, how
24 was that determined?

25 MR. MEYERS: That was through a

2 negotiated basis with the current operator. It's
3 SUEZ, really, Nassau Energy. It was just based
4 on -- it's on mutually agreeable terms. They
5 could have said that it was nothing, and we could
6 not have moved forward with any type of
7 extension. It was over an extended negotiated
8 period, to have the 950 plus this formula-based
9 credit.

10 LEGISLATOR CURRAN: And where will this
11 950,000 go?

12 MR. MEYERS: That will be on credit with
13 the company, and then the county can apply
14 whatever monthly invoices that come to the
15 county, be applied against that. So right now
16 you have the actual cost to supply this steam
17 heat as well as the chilled and hot water to
18 those county customers, plus right now the county
19 also pays real property taxes on that facility,
20 and those portions -- to the school districts and
21 to the towns and villages, to the town and the
22 villages there, and they can apply that as well.

23 LEGISLATOR CURRAN: Okay. Also, you
24 talk about the nine different customers - the
25 College, the jail, the hotel, the museums, and

Coliseum. What happens with the agreement with these other entities? Are those done too at the same time? Are they all on the same timeline? Will they all be covered by the same RFP?

MR. MEYERS: Yes. That's correct. Under this existing agreement and existing lease that the county has. Certain of those the county is responsible for and -- so the Marriott the county does not cover. On the Coliseum, the county currently covers those costs, but with the new agreement, when Forest City Ratner takes over on August 1, next Saturday, the county will shed themselves of those costs, which is about a million to a million and a half dollars a year.

LEGISLATOR CURRAN: Okay. All right. There is -- let's see. Is there -- do we have an estimate of the current sale price of this co-generation plant?

MR. MEYERS: The actual asset value?

LEGISLATOR CURRAN: Yeah.

MR. MEYERS: The proposed book value, as they call it, is approximately \$27 million. Pursuant to the lease, the entity, Nassau Energy, is able to, through generally accepted accounting

principles, through GAAP, they're allowed to value, under the lease, the current book value. It's based on the way that they depreciated the asset. If the county chose to accept -- chose to keep that facility at the end of their term, if we didn't extend it in June of 2016 or if this amendment went through in 2018, if the county chose to keep that facility, they would end up paying that book value. That book value has been set by SUEZ, and we're still in the process of negotiating that, at approximately \$27 million.

LEGISLATOR CURRAN: Okay. There is a concern that this, you know, was a 25 year lease and we're asking for an extension a little bit at the last minute. I'm concerned that maybe we can't necessarily be negotiating for the best deal for the county.

MR. MEYERS: Right. It's been, as I indicated, we've been negotiating with them. They could have come back and said at any point, and this has been over the last few months, last probably six to eight months. They could have come back and said because it's a mutually agreeable terms that it's zero that they would

give us back to us. So the county, through the committee that is in place to review these items, indicated that this was probably the best deal we could get for the county. And we feel based on the way that the electricity rates are going that this is an excellent deal for the county. When we go back out for an RFP the savings may be more or less than this. We have Parsons Brinkerhoff (phonetic) assisting us as the engineering firm, and they felt that based on the way the electricity market was moving that this is the best deal for the county.

LEGISLATOR CURRAN: So you say this is a good deal. Is there something that we can reference that we're getting energy at a good price? Is there an outside, independent way that we can compare that?

MR. MEYERS: We won't be able to see that until we receive the proposals in response to the RFP.

LEGISLATOR CURRAN: Okay.

MR. MEYERS: As I indicated, it's up to a \$4.9 million savings, or an average of \$2.45 million each year for two years over what the

county is currently receiving.

LEGISLATOR CURRAN: I see.

MR. MEYERS: We know that that's a good deal on that basis.

LEGISLATOR CURRAN: Okay. I have one more question.

You said the RFP - one of my questions you actually answered. You said the RFP is going to go out in three weeks to a month.

MR. MEYERS: Yes.

LEGISLATOR CURRAN: Okay. Thank you.

MR. MEYERS: Thank you very much.

CHAIRWOMAN SCHAEFER: Legislator Ford, you have a question?

LEGISLATOR FORD: What would happen if they decided not to extend the lease? What would happen in 2016 if we didn't extend it?

MR. MEYERS: In 2016, we would be conducting the procurement and the existing -- the proposers that would come in would either take over that facility or construct a new facility on an adjacent site and be able to -- you could actually run the existing facility with the county's boilers and chillers that they

currently own. This is just a more efficient, effective process. There are boilers and chillers on site right now; the county could utilize those, those are the one that were county owned and the county had built prior to this co-generation facility being constructed. The county could just go in and operate those. This is just a more efficient and effective basis through the co-generation.

LEGISLATOR FORD: By continuing with the person, the energy supplier right now.

Like, would we be able to take over and operate this by 2016 on our own if we did not have, if we didn't have anybody to take the place of the company that we have.

MR. MEYERS: The County could. But we could easily, very quickly conduct a request for proposal process for just an operator, not to bring in a new co-generation facility.

LEGISLATOR FORD: Just operate it, you know, for a certain amount of time with the existing technology that we're using right now.

MR. MEYERS: That's correct. The boilers and chillers onsite have been reviewed by

Parsons Brinkerhoff and we have, through a request for expression of interest process, spoken to the nine largest players in this industry throughout the country that are interested in this facility and they indicated that they have reviewed this facility and all the technical data associated with that and they could easily provide the services necessary with the existing boilers and chillers.

LEGISLATOR FORD: Okay. So then by extending it for two years, we could then do an RFP to see if there is another vendor who can come and do co-gen energy, correct?

MR. MEYERS: Yes. There is significant interest from the players in the industry on that that think that they could come in and operate this and provide potentially better rates.

LEGISLATOR FORD: So what they could do is they could keep then the co-generation going, in case -- more than likely they're probably going to have to build a new power plant, so to speak, on the adjacent site, correct?

MR. MEYERS: Potentially. That's correct. And the two years is required in order

to appropriately size the co-generation facility as well as get permits. They're burning natural gas onsite there. You need permits from the state DEP, so that all takes time in order to bring in a facility like that.

LEGISLATOR FORD: I know that Legislator Curran, she brought up, to make sure that we are getting the best value right now, that we are getting, you know, proper reimbursement from this company.

MR. MEYERS: Like I said, so, when you take a look at it and you see the significant savings based on what the county has been paying since that time, it's a significant savings.

LEGISLATOR FORD: Thank you.

CHAIRWOMAN SCHAEFER: Legislator Jacobs.

LEGISLATOR JACOBS: Most of my questions have been covered already, but I wanted to ask you something.

I'm assuming, and I hope correctly so, that after 25 years the reason for a new RFP is to make sure that we're getting the right amount, that we're getting the right amount.

MR. MEYERS: That you're getting the

right amount and you're using the highest and best technology onsite. There are a lot of things that have changed. You can look at micro grids that facility.

Right now all of the electricity that's being generated onsite is being sold to LIPA. So that could potentially be brought onsite. We'll be looking at the police training facility as a new facility that's right down the road from there. But it is to make sure the county's getting the best rates for this service and to bring in the --

LEGISLATOR JACOBS: I just have a couple of very quick ones for you.

Are you imagining that this particular company will be involved in that new RFP?

MR. MEYERS: Yes. They have expressed their intention to propose on this process.

LEGISLATOR JACOBS: Okay. Is there any way you have of knowing whether they have done updates through the years?

MR. MEYERS: Yes. Actually, there was a review conducted and they were hired by the county, I would say, within the last eight months

or so. DCO Energy actually went onsite, reviewed all the maintenance records, reviewed the facility, and prepared a report associated with that to say that they kept the facility up, running, and maintained in accordance with good industry practice.

LEGISLATOR JACOBS: That's good. My last one was this. You said about three to four weeks before the RFP goes out --

MR. MEYERS: Yes.

LEGISLATOR JACOBS: What, in your mind, when would you say -- number one, when will they actually go out and when do we expect them to come back? How many days do they have once they go out?

MR. MEYERS: It will probably remained on the street for approximately a four month period in order to give them time to go onsite and review as well as review the technical data associated with that, and then probably -- there will be a review of those proposals and then a negotiation period following that.

LEGISLATOR JACOBS: Why isn't this particular piece of property tax exempt? I'm not

saying that I'm sad that it's not. But why isn't it tax exempt? Why are we paying taxes on it?

MR. MEYERS: Right. So there was litigation on it. It was unclear at the time in the existing lease, when it was entered into with who was Tri-Gen Energy. There was litigation on that. The county -- it was unclear in that lease.

At the time, the county, through a settlement process, ended up indicating that they were going to pay the first \$100,000 of any real property taxes on the site, that's when the real property taxes were \$100,000. As of recently, the taxes on the site were \$2.4 million, which the county was required to pick up the tab on that. They reassessed it within the last year or two; it was \$1.6 million. The county, through that litigation, through the settlement process had agreed to make those payments.

LEGISLATOR JACOBS: It's a little strange, right? Because it's our property.

MR. MEYERS: It's very strange. What will happen in this next one, which is, like I said, we'll be shedding the costs for the

Coliseum, that's another benefit of the Coliseum project, is that Forest City Ratner picks up all those costs. On this deal, the next operator and next lessee of this property will go in and they'll be required to make those real property tax payments. So the next operator coming in will make those. The only thing I can say is they're going to pass that along through the rates to the customers.

LEGISLATOR JACOBS: I just have to ask you one question that's bothering me. I've been here a long time. I just don't quite understand when it's county property it's exempt. No matter what the lease says -- how do you have those two meet in a logical way? It's exempt property but because the lease didn't particularly say it was exempt we're paying taxes on it all this time.

MR. MEYERS: You're not paying them obviously to the county. You're paying them to those localities, to the town and to the school district.

LEGISLATOR JACOBS: To the towns and school districts, okay. So it's almost like a pilot, in a way. Similar to a pilot.

MR. MEYERS: Yes. And it was through the settlement. Yes.

LEGISLATOR JACOBS: Okay. Thank you very much.

CHAIRWOMAN SCHAEFER: I have one quick question. Maybe you answered this before. What happens in two years? You said we're extending it for two years. The current provider will go into an extended lease, or?

MR. MEYERS: So then we're conducting the RFP process. The procurement process is beginning in the next three to four weeks, and that would bring in a new operator and a new lessor, potentially, to construct a new facility onsite or take over the existing equipment and operate that facility. So at the end of that two years, either Suez will potentially propose on that. So it will either go Suez or a new proposer at that time, which we will determine probably in the next nine to 12 months, who will be taking it over at that time.

CHAIRWOMAN SCHAEFER: Okay. Thank you.

MR. MEYERS: Sure.

CHAIRWOMAN SCHAEFER: Legislator Rhoads.

LEGISLATOR RHOADS: Thank you, Madam Chairwoman.

Mr. Meyers, just so I understand, we keep talking about it as being a two year extension. Is this actually a one year extension with a one year county option?

MR. MEYERS: Right. The county has until October of this year to make the determination, whether or not to make it a one or two year extension.

What happens is - I started to get into the discussion with Legislator Curran - is that if the county wanted to take over the facility - what happens is this is effectively one of the first public-private partnerships that the county entered into 25 years ago. So, Suez actually came in and fronted the money to construct this facility. The state comptroller came in and said if the county wants to step back in and take that over, the county would need to pay book value at the end of the term. The county also has the option to tell Suez to pull the equipment, and we'll just have someone come in and construct a new co-generation facility in there. How that

relates to the one or two year extension is we also have to pay book value on the 3.5 mile steam pipe that goes from here to NUMC. Through negotiations, we've indicated, with Suez is that if we extend it for one year, we still have to pay the book value for the steam pipe. If we go for two years, we pay them \$1 for the steam pipe. The book value on the steam pipe is approximately \$3.5 million right now. So the county would get the added benefit if they do that.

We would probably make that determination prior to issuing the RFP. So we would probably make it within the next month as to whether or not we're going to go for one or two years. With this extension we wouldn't do one year and then do another year. We'll either tell them with the RFP is issued because you need that certainty in the RFP or else the proposers are all over the place when they come in with their proposals. Here, they want that certainty. They want to know whether or not they're going to need to -- excuse me -- purchase that equipment for book value; that would cost the proposer \$27 million to take over the existing assets, as well as the

steam pipe. So we want that certainty, how long and how long they have to construct their new facility and get their permits. Prior to the issuance of the RFP, the county would make the determination as to whether it's one or two years.

LEGISLATOR RHOADS: So the book value has been established at \$27 million flat or is that \$27 million less depreciation?

MR. MEYERS: That's effectively with their depreciation.

LEGISLATOR RHOADS: Okay. And I believe you indicated that there were boilers and chillers that were there before that we could theoretically operate if, in fact, the plant closed; is that accurate?

MR. MEYERS: Yes. If anything happened -- the county originally had the boilers and chillers onsite, and then, subsequent to that point, the county went out for procurement to have a private entity come in and finance the construction of this cogeneration facility, which throws off this waste heat as a result of the electricity process, generating electricity and

this throws off this waste heat, which then you generate chilled water and hot water as a result of. You could also really bring in flatbed boilers and chillers as well on a temporary basis to supply any needs that you would.

Like I said, through Parsons and through these major companies, which are the biggest in the U.S., that are interested in these types of facilities, they indicated that the existing equipment onsite, which are currently maintained and kept on standby at all times in case the co-gen facility went down, they have been maintained by Suez, are adequate and appropriate to provide the services necessary.

LEGISLATOR RHOADS: What's the effect -- just really -- it's probably not relevant to really the proposal, but for my own edification. What's the useful life on the plant and its equipment as it is? It's 25 years old at this point.

MR. MEYERS: Right. Everybody says this. It's General Electric Frame 6, which they said is 40 or 50 years if you continue to maintain it. It's a significant generator of

electricity. They just say it's the workhorse of the industry and they can use it. They could develop that. Most of these proposers, many of the proposers have indicated they may do that, they may take it over on a temporary basis, a long-term basis, or they may bring in their own cogeneration, a new, effectively, Frame 6 cogeneration plant and right size it for the appropriate needs of the hub.

LEGISLATOR RHOADS: Okay. As you may have heard, by the way, development of the hub has been a topic of conversation around here.

MR. MEYERS: I wasn't aware of that.

LEGISLATOR RHOADS: Does the existing plant have the capacity to be able to handle the additional infrastructure if, in fact, it winds up getting built?

MR. MEYER: Yes. I would say on the chilled it does not. Really, they're at capacity with the chilled, especially in connection with the Coliseum. They would just need to bring on additional chillers in order to provide that. But they could do that. It would have to be in addition to this. But with the chilled water, it

is at capacity. The chilled water isn't domestic, coming out of the tap, that's for air conditioning purposes. So at the Coliseum, especially with the increased uses, you would have to bring in that supplemental ability to do that.

LEGISLATOR RHOADS: So, presumably, the new plant, if, in fact, we are putting out an RFP theoretically for the construction of a new plant, would include I guess capacity to be able to handle whatever else we're building there?

MR. MEYERS: That's correct. And, like I said, the new ones, Frame 6 is essentially 1970's technology. They would easily, with more efficient cogeneration facilities that are being produced, provide the necessary capacity for the needs of the hub.

LEGISLATOR RHOADS: And would the idea also be to keep the existing plant as a backup?

MR. RHOADS: You probably couldn't keep that. One thing is, if the county indicated to Suez that they no longer wanted a cogeneration facility, Suez would probably pull that facility out of there, which they have the right to do and

they most likely would, for a certain value.

They would probably just keep the boilers and chillers and bring in this new facility.

LEGISLATOR RHOADS: Great. Thank you, Mr. Meyers. No other questions. Thank you.

CHAIRWOMAN SCHAEFER: Legislator Jacobs has another question.

LEGISLATOR JACOBS: I'm really sorry, but I do have another question. Let me ask you a question. If I heard you right, you said around the end of October that the county will be making a determination as to whether it's a one year or two year renewal.

MR. MEYERS: I actually said that we have until October. We would intend to do it prior to the issuance of the RFP.

LEGISLATOR JACOBS: You intend to do it prior to the issuance.

MR. MEYERS: Yes. So we have, pursuant to the amendment, until October to do it. We would do it within the next three to four weeks, prior to the issuance of the RFP. We want to tell the proposers exactly what the county wants to do; whether it be one or two years, because

they will need to know that for their planning purposes.

LEGISLATOR JACOBS: Okay. So, in other words, their extension is not really based on what this RFP answers will be. The thing we're thinking is it's going out. They're going to be making a determination before the RFP is returned to us with the people that really want to be participating, but that would have nothing to do with this extension?

MR. MEYERS: Right. We want to tell the potential proposers exactly what we want to do with this facility, yes.

We've met with those proposers -- the are potential proposers -- there many of them through the request for expression of interest process. They would like, I would say, more time to be able to permit the facility and review all the data. Two years is not a lot of time in the industry in order to get one of these facilities constructed.

The proposers prefer specificity in the RFP process, and that's why we would tell them what we're interested in.

LEGISLATOR JACOBS: Let me ask you something. I know it was 25 years ago. I've only been here 20 years; first time I could say I wasn't here with something.

Can I ask you a question? What, in your mind - maybe you have no idea why they did it. What was the reasons for this kind of a facility to be built there rather than a normal electrical charge that people get when they're running things?

MR. MEYERS: Right. If you take a look at this technology, many of the buildings - it's usually combined heat and power is what you see in many commercial and residential buildings in Manhattan. You will see this type of -- you're generating the electricity. Plus, it's just waste heat, otherwise it just goes out the window and it goes nowhere. Here it's very efficient and effective because you're using that to generate hot water and it's very efficient and cost effective.

Here they actually - my understanding is they built it when they were going to make the Coliseum area the Kennedy Center or it was

supposed to be a huge development with many commercial buildings as well as the Coliseum on site.

LEGISLATOR JACOBS: Boy, that sounds familiar.

MR. MEYERS: Right. Right. Exactly. So that never came to pass. They just converted it and they brought in all these additional customers to make it a cost effective and efficient process.

LEGISLATOR JACOBS: Thank you very much.

MR. MEYERS: Thank you.

CHAIRWOMAN SCHAEFER: Any other questions from the legislators? Legislator Curran.

LEGISLATOR CURRAN: About the correctional center, if I'm understanding it correctly, the jail has a deal with the hospital not directly with Suez. So would they have to negotiate their own thing with the hospital? How would that work? I just wanted to make sure that the correctional center is covered.

MR. MEYERS: Right. So everyone is subject to the agreement in the lease that the

county has. What happens is there is a three and a half mile steam pipe, and that steam pipe goes all the way to NUMC, and they have their own boilers and chillers there, and then that steam is passed along -- it powers the chillers at NUMC, which then passes that along to the correctional facility. But they're all beholden to the rates and the deal that's worked -- that the county is working out under this lease.

LEGISLATOR CURRAN: And that will continue this RFP, all the entities will have the same --

MR. MEYERS: That's correct.

LEGISLATOR CURRAN: genesis.

MR. MEYERS: Yes.

LEGISLATOR CURRAN: Okay.

CHAIRWOMAN SCHAEFER: So then the correctional facility could potentially have better rates as well?

MR. MEYERS: That's correct.

CHAIRWOMAN SCHAEFER: And the hospital?

MR. MEYERS: Yes, that's correct.

CHAIRWOMAN SCHAEFER: Thank you.

Any other questions?

(No verbal response.)

Any public comment?

MR. WALSH: This is Kevin Walsh. I just wanted to add one small correction.

On the actual ordinance for this item it listed as Section 44, Block F, Part of Lot 317C; that was actually accurate back in the '90's. Lot 317C is now known as Lot 407. So I just wanted to make that technical correction.

CHAIRWOMAN SCHAEFER: Okay. We need you to submit an amendment before the end of the day on that.

MR. WALSH: Okay. That's fine.

CHAIRWOMAN SCHAEFER: Thank you.

All those in favor of passing this item signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

(Whereupon, the following is the continuation of the July 27, 2015 Finance Committee meeting minutes.)

CHAIRMAN NICOLELLO: Does anyone have

any specific questions at this time? Do we have anyone here with respect to this item?

Legislator DeRiggi-Whitton.

LEGISLATOR DeRIGGI-WHITTON: I just had a quick question.

In the news lately they have been mentioning how energy prices might be coming down significantly. Is there anything in this lease or contract that would enable us to negotiate rates should that occur?

MR. MEYERS: No, not at this time. As I indicated in my previous testimony, it's a matter of -- the way that this is structured, we enter into substantial negotiations with Suez, with Nassau Energy, LLC regarding this. It was on mutual agreement of the parties and this is the result of the negotiations based on the committee that we have in place to review this, as well as Parsons Brinkerhoff, which is the engineering firm associated with this. This is, what they felt to be, the best deal that the county could get under the circumstances. It's the potential for \$4.9 million in credit to the county over that two year period, plus, as I described

before, if we enter into the two-year extension, the county will be able to purchase the steam pipe from Suez for a dollar which results in -- it's effectively valued at \$3.5 million.

LEGISLATOR DeRIGGI-WHITTON: Just so I understand. I'm not saying that it's not a good idea. We basically figure out the costs, what we anticipate the rate to be for the next how many years would you say?

MR. MEYERS: Under the new lease that would be entered into, yeah, 25 years.

LEGISLATOR DeRIGGI-WHITTON: So we try to anticipate the cost of that now going forward, correct?

MR. MEYERS: Correct.

LEGISLATOR DeRIGGI-WHITTON: And what does that -- I know you just mentioned an engineer. Are there any other -- like, what is that based on? What numbers do you look at for that estimation?

MR. MEYERS: I think it's a combination of two things. It's one that the county would get this significant value as a result of the two year extension, plus the additional time that the

county could utilize to bring in the new proposer. So it's a combination of those two things.

Parsons Brinkerhoff has looked at the energy market moving forward. It's not necessarily that the rates will be coming down. It's really an unknown at this time. So they felt that based on this the rates could go either way on it. Notwithstanding that, the county will need the time to conduct the procurement. They could bring in an operator just to operate. As I indicated previously, the boilers and chillers that currently exist at the energy facility that the county owns and is currently leased by Suez. The committee, as a whole, felt that this was the best way to proceed on this.

LEGISLATOR DeRIGGI-WHITTON: I would love to have some kind of caveat that, for instance, I just read today they thought the gas prices might come down below \$2 a gallon in the next year due to certain negotiations and all. If there is a significant decrease, I would if there would be a way to protect the county from overpaying the rates.

CHAIRMAN NICOLELLO: I'm just a little confused here. Are you referring to the two year -- the one year extension with the option or are you referring to what they're going to go out with the RFP with?

LEGISLATOR DeRIGGI-WHITTON: I would probably be more concerned with the long term. If they're coming up with a number and it's based on I guess history, we've had such a high level or -- it seems to be that the trend might be a little bit lower than the recent history. Just to have some control over what rates.

CHAIRMAN NICOLELLO: But I think once they come back with the RFP, whether it's with Suez or somebody else, I think we can really press them at that time. I think they'd be more in a position to be able to answer those questions.

MR. MEYERS: Right. That's exactly right. Through the procurement process that the county will be conducting over the next nine months with the biggest players in the industry across the country, looking at this, the county will be in a position to negotiate those rates

and include in something across those lines.

What they're doing is effectively, because they're generating electricity, selling electricity in the market, they're effectively subsidizing the thermal energy that's coming to the county customers, of which the county is significantly responsible for. So it depends on the way that works. It's sort of a two-way street. Because they subsidize that, that will result in better rates for the county. Moving forward, we will definitely have that ability on the 25 year lease.

LEGISLATOR DeRIGGI-WHITTON: I guess that's what I could even venture to say, bipartisan, that would be an important element of going forward, just that we have some mechanism in this to guard - just to make sure that the rates are in synch with the current market or something was there reasonable.

MR. MEYERS: Right. And in the existing lease and what we would work towards in the future lease is a formula to address that concern.

LEGISLATOR DeRIGGI-WHITTON: That's I

guess what we're looking for. Thank you.

CHAIRMAN NICOLELLO: Thank you.

Any other questions? Sure. Legislator Bynoe.

LEGISLATOR BYNOE: Thank you. Good afternoon.

MR. MEYERS: Good afternoon.

LEGISLATOR BYNOE: Separately the county is looking to procure an energy performance contract for the purpose of looking at our different facilities. Do you know if, in fact, they will be looking at this plant for any kind of efficiencies?

MR. MEYERS: No, not that I'm familiar with. The only ESCO I believe is on the solar side. I haven't seen anything in conjunction with -- this is a tri-generation facility, where they're generating the hot and chilled water in addition to the electricity that's being generated.

LEGISLATOR BYNOE: The information provided here doesn't isolate it only to solar. So you don't know anything about this ESCO tying into this plant?

MR. MEYERS: No.

LEGISLATOR BYNOE: Okay. Thank you.

MR. MEYERS: You're welcome.

CHAIRMAN NICOLELLO: Any other
questions?

(No verbal response.)

Thank you, Mr. Meyers.

MR. MEYERS: Thank you.

CHAIRMAN NICOLELLO: Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

The item carries unanimously.

Item 297-2015 is a resolution providing
for the issuance of a warrant directing the
treasurer of the County of Nassau to pay to the
supervisors of the several towns and the
treasurers of the several villages and cities
within the county the sums as apportioned by the
county legislature based on a report filed by the
county treasurer and the county clerk, showing
deposits from mortgage taxes for the quarter

beginning April 1, 2015 through June 30, 2015;
pursuant to the County Government Law of Nassau
County and the Nassau County Administrative Code.

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRMAN NICOLELLO: Moved by Legislator
Walker, seconded by Legislator MacKenzie.

Any discussion on this item?

(No verbal response.)

My understanding is that the mortgages
taxes are in the area of 20 percent, which is
good news for the villages and towns.

Any other discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Item carries unanimously.

Item 298 is a resolution to authorize the
transfer of appropriations heretofore made within
the budget for the year 2015.

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator Muscarella.

Any discussion?

(No verbal response.)

Public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

That item carries unanimously.

Do I have a motion to suspend the rules?

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator Muscarella.

All in favor of suspending the rules to consider the addendum signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

The rules are suspended.

We'll take the first two items first and then the third item is going to require an executive session.

Items 301 and 302-2015. Item 301 is a resolution to authorize the county assessor and/or county treasurer and/or receiver of taxes of the Town of Oyster Bay to partially exempt from real property taxation certain real properties.

Item 302 is a resolution to authorize the county assessor and/or county treasurer and/or receiver of taxes of the Town of Hempstead to correct erroneous assessments and taxes in accordance with the petitions of the county assessor.

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator MacKenzie.

Any discussion on these two items?

(No verbal response.)

Public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those two carry unanimously.

Item 303-2015 is a resolution authorizing the county attorney to compromise and settle two actions both entitled *County of Nassau v. Alrose Allegria LLC, et al.*

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator MacKenzie.

The item is before us.

Do we have a motion --

LEGISLATOR MUSCARELLA: So moved.

LEGISLATOR WALKER: Second.

CHAIRMAN NICOLELLO: Legislator Muscarella moves that we go into executive session, seconded by Legislator Walker.

All in favor of going into executive session signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

We are in executive session.

(Whereupon, the Finance Committee
recessed into executive session at 4:03 p.m.)

(Whereupon, the Finance Committee
reconvened at 4:16 p.m.)

CHAIRMAN NICOLELLO: We're out of
executive session.

We will call 303-2015. Any discussion or
public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

That item carries unanimously.

(Whereupon, the following are the minutes
of the July 27, 2015 Planning, Development and
Environment Committee pertaining to Clerk Items
264, 278 and 291-15.)

CHAIRWOMAN SCHAEFER: We have three
items on the agenda today; the first one is Clerk
Item 264-15, which is an ordinance making certain
determinations pursuant to the State
Environmental Quality Review Act and authorizing

the grant of a license to Beacon Wireless, LLC to utilize an approximately 1600 square foot portion of county-owned real property situated in Hewlett, Town of Hempstead, County of Nassau, State of New York, said real property known as Section 42, Block 221, Lot 279 on the land an tax map of the County of Nassau and authorizing the county executive of the County of Nassau to execute an amendment to a license agreement between the County of Nassau and Beacon Wireless, LLC and all pertinent documents in connection therewith.

May I have a motion?

LEGISLATOR DUNNE: So moved.

LEGISLATOR RHOADS: Second.

CHAIRWOMAN SCHAEFER: Moved by

Legislator Dunne, seconded by Legislator Rhoads.

MR. WALSH: Good afternoon, legislators.

Kevin Walsh from the Office of Real Estate Services.

This license amendment to you is the fourth amendment for Beacon Wireless. You may recall we had an amendment probably five, six months ago to enable an installation at the

Second Precinct. This installation will enable an installation at the Fourth Precinct in Hewlett.

CHAIRWOMAN SCHAEFER: Are there any questions?

(No verbal response.)

I do have a couple of questions myself.

Does this require county approval before we accommodate wireless technologies?

MR. WALSH: The master license, which went into effect about five years ago, requires that Beacon, each time they want to do an amendment to a new installation, go through the full process, which means it goes to the Planning Commission, which this did, which notifies all the adjoining property owners within a certain radius area, and each license amendment comes to this body.

CHAIRWOMAN SCHAEFER: Okay. At the Fourth Precinct, this particular one, how many carriers do you currently contract with?

MR. WALSH: Right now there is no commercial installation on the radio antenna with the PD. This is going to enable a new

replacement tower to be constructed, which will facilitate carriers. Each carrier will pay a one-time fee of \$25,000 to the county, and the county will share 50 percent of the revenue, which is the same business arrangement with all of the other facilities, which is just, to kind of refresh your memory, there is one at Cedar Creek Park, there is one at the roof of 240 Old Country Road, one at the Second Precinct, and now the Fourth Precinct.

CHAIRWOMAN SCHAEFER: Okay. So this could open up to as many carriers as you may -- or is it just with the police department, etcetera, that it's going to be adding. Is there a potential for there to be more carriers added to it?

MR. WALSH: Yes. Absolutely. That's the goal. As much as safely can be put on the antenna.

CHAIRWOMAN SCHAEFER: Okay. And I guess it would obviously improve safety, having a better carrier or having this company there and a better tower and the ability to communicate easily.

2 MR. WALSH: Absolutely. It's a better
3 benefit for the PD in this area too. It will be
4 a newer, more structurally, probably, sound
5 tower.

6 CHAIRWOMAN SCHAEFER: Okay. Does it
7 also help the fire departments? Isn't that all
8 part of it?

9 MR. WALSH: I'm not sure whether they
10 have that equipment. That's something that
11 certainly can be looked at.

12 CHAIRWOMAN SCHAEFER: Okay. Thank you.
13 Is there any public comment on this item?
14 Legislator Ford.

15 LEGISLATOR FORD: Thank you. This will
16 be located on currently the building for the
17 Fourth Precinct, right, on the precinct house?

18 MR. WALSH: It will be actually on land
19 adjacent to it. It will be on land where the
20 current tower is. It will be a replacement
21 tower.

22 LEGISLATOR FORD: Okay. So then --
23 because I know that we're planning on rebuilding
24 the Fourth Precinct. So that will not have any
25 impact on this tower.

MR. WALSH: Right. It will have no impact on that.

LEGISLATOR FORD: Thank you.

CHAIRWOMAN SCHAEFER: All those in favor of passing this item please signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

MR. WALSH: Thank you.

CHAIRWOMAN SCHAEFER: Thank you.

The next item is Clerk Number 278-15, which is an ordinance making certain determinations pursuant to the State Environmental Quality Review Act and authorizing the county executive of the County of Nassau to accept, on behalf of the County of Nassau, an office of purchase from Journal Castma, of certain premises located in the Town of North Hempstead, County of Nassau, State of New York, said real property known as Section 11, Block 90, Lot 128 on the land an tax map of the County of Nassau and authorizing the county executive of

2 the County of Nassau to execute a deed, contract
3 of sale, and all pertinent documents in
4 connection therewith to consummate the sale.

5 Can I have a motion, please?

6 LEGISLATOR DUNNE: So moved.

7 CHAIRWOMAN SCHAEFER: Moved by

8 Legislator Dunne. Seconded?

9 LEGISLATOR RHOADS: Second.

10 CHAIRWOMAN SCHAEFER: Seconded by

11 Legislator Rhoads.

12 Hi.

13 MR. RAGNAETTI: Hi. Good afternoon. My

14 name is David Raganetti from the county

15 attorney's office. This is the proposed sale of

16 a parcel in Westbury. It's on Siegel Street

17 between Prospect Avenue and Roman Avenue. It is

18 a Class 1 residential vacant property. It's

19 passed through all of the normal OSPAC and

20 planning processes, including notice to adjoining

21 property owners.

22 There was a non-conditional approval and

23 recommendation from planning for release of the

24 parcel.

25 CHAIRWOMAN SCHAEFER: Does anybody have

any questions on this item? Legislator Rhoads.

LEGISLATOR RHOADS: Thank you. Deputy County Attorney Raganetti, will the inclusion of this parcel create a sub dividable lot?

MR. RAGANETTI: Not at this time.

LEGISLATOR RHOADS: Okay. Thank you.

CHAIRWOMAN SCHAEFER: Any other questions from any of the other legislators? Legislator Curran.

LEGISLATOR CURRAN: How is the property going to be used? Do we know?

MR. RAGANETTI: I believe it will continue to be vacant residential land by the prospective purchaser.

LEGISLATOR CURRAN: Thank you.

CHAIRWOMAN SCHAEFER: Any public comment on this item?

(No verbal response.)

Just to clarify, I want to make sure I said Block 91. Is that right?

MR. RAGANETTI: It is Block 91, correct.

CHAIRWOMAN SCHAEFER: Okay. Thank you.

All those in favor of passing this item please signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The ayes have it. The item passes
unanimously.

The final item before this committee is
Clerk Item Number 291-15, which is an ordinance
authorizing the county executive to execute an
amendment to the certain lease dated as of
February 2, 1990, between Nassau District Energy
Corp., now known as Nassau Energy, LLC., as
tenant, of certain premises described as Section
44, Block F, P/O Lot 317C on the land and tax map
of Nassau County located at Charles A. Lindbergh
Boulevard, Uniondale, New York, all as in the
lease more particularly described, and
authorizing the county executive to execute all
pertinent documents in connection therewith to
consummate the lease amendment.

Can I have a motion?

LEGISLATOR DUNNE: So moved.

LEGISLATOR RHOADS: Second.

CHAIRWOMAN SCHAEFER: Moved by

Legislator Dunne, seconded by Legislator Rhoads.

Are you here to speak on this item?

MR. MEYERS: Yes.

CHAIRWOMAN SCHAEFER: Okay.

MR. MEYERS: Josh Meyers, Pannone Lopes
Devereaux & West, 81 Main Street, White Plains,
New York 10601.

So, this is an amendment to the existing
lease with Nassau Energy LLC. The County is
nearing the end of the 25 year lease with Nassau
Energy LLC to provide the thermal energy to a
number of customers within the HUB. That thermal
energy is hot and chilled water and steam, as
well.

Nassau Energy LLC, 25 years ago, utilized
private money to construction a co-generation
facility utilizing natural gas to generate
electricity, and this is the waste heat that is
thrown off of this facility powers the boilers
and chillers to send the thermal energy to these
nine different customers within the HUB.

Right now, the current lease expires in
2016. We're here today on the amendment to
extend for a one year or a two year period, at
the discretion of the county. Also, there is a

credit to the county for each year of that extension of 950,000, plus an additional credit based on a formula that's included in the amendment, for up to \$1.75 million in the first year and \$1.25 million in the second year, for a total potential credit to the county of \$4.9 million over the two year term.

The amendment itself is beneficial to the county because it's not clear what the electric rates will be over the next two years. We're going to go out to an RFP on this project for a lease, to continue a long-term lease of this facility or have someone, a new proposer come in and construct a new co-generation facility to give better rates for the county and its customers.

Just to go through it a little bit for the background. This facility is actually on the other side of Charles Lindbergh Boulevard, from the Coliseum. As I said, it was built approximately 25 years ago. It services nine different customers in the HUB. So it's the Nassau Community College, the Coliseum, the Cradle of Aviation Museum, the Marriott Hotel,

the Children's Museum, NUMC, the Correctional Facility, the Aquatic Center, and the Eisenhower Park technical services facility. Some of those receive hot water and chilled water and the remaining customers received steam.

As I indicated, what we're going to do is go out for an RFP probably in the next three weeks to a month to determine if we can get a new proposer in there to operate the facility on a long-term basis.

CHAIRWOMAN SCHAEFER: Thank you.

MR. MEYERS: Sure.

CHAIRWOMAN SCHAEFER: Does anyone have any questions? Legislator Curran.

LEGISLATOR CURRAN: Hi.

MR. MEYERS: Hi. How are you?

LEGISLATOR CURRAN: I'm fine, thanks. So, this is something with many moving parts, and I have a few questions.

How was the \$950,000 for the credit, how was that determined?

MR. MEYERS: That was through a negotiated basis with the current operator. It's SUEZ, really, Nassau Energy. It was just based

on -- it's on mutually agreeable terms. They could have said that it was nothing, and we could not have moved forward with any type of extension. It was over an extended negotiated period, to have the 950 plus this formula-based credit.

LEGISLATOR CURRAN: And where will this 950,000 go?

MR. MEYERS: That will be on credit with the company, and then the county can apply whatever monthly invoices that come to the county, be applied against that. So right now you have the actual cost to supply this steam heat as well as the chilled and hot water to those county customers, plus right now the county also pays real property taxes on that facility, and those portions -- to the school districts and to the towns and villages, to the town and the villages there, and they can apply that as well.

LEGISLATOR CURRAN: Okay. Also, you talk about the nine different customers - the College, the jail, the hotel, the museums, and Coliseum. What happens with the agreement with these other entities? Are those done too at the

same time? Are they all on the same timeline?
Will they all be covered by the same RFP?

MR. MEYERS: Yes. That's correct.
Under this existing agreement and existing lease that the county has. Certain of those the county is responsible for and -- so the Marriott the county does not cover. On the Coliseum, the county currently covers those costs, but with the new agreement, when Forest City Ratner takes over on August 1, next Saturday, the county will shed themselves of those costs, which is about a million to a million and a half dollars a year.

LEGISLATOR CURRAN: Okay. All right.
There is -- let's see. Is there -- do we have an estimate of the current sale price of this co-generation plant?

MR. MEYERS: The actual asset value?

LEGISLATOR CURRAN: Yeah.

MR. MEYERS: The proposed book value, as they call it, is approximately \$27 million.
Pursuant to the lease, the entity, Nassau Energy, is able to, through generally accepted accounting principles, through GAAP, they're allowed to value, under the lease, the current book value.

It's based on the way that they depreciated the asset. If the county chose to accept -- chose to keep that facility at the end of their term, if we didn't extend it in June of 2016 or if this amendment went through in 2018, if the county chose to keep that facility, they would end up paying that book value. That book value has been set by SUEZ, and we're still in the process of negotiating that, at approximately \$27 million.

LEGISLATOR CURRAN: Okay. There is a concern that this, you know, was a 25 year lease and we're asking for an extension a little bit at the last minute. I'm concerned that maybe we can't necessarily be negotiating for the best deal for the county.

MR. MEYERS: Right. It's been, as I indicated, we've been negotiating with them. They could have come back and said at any point, and this has been over the last few months, last probably six to eight months. They could have come back and said because it's a mutually agreeable terms that it's zero that they would give us back to us. So the county, through the committee that is in place to review these items,

indicated that this was probably the best deal we could get for the county. And we feel based on the way that the electricity rates are going that this is an excellent deal for the county. When we go back out for an RFP the savings may be more or less than this. We have Parsons Brinkerhoff (phonetic) assisting us as the engineering firm, and they felt that based on the way the electricity market was moving that this is the best deal for the county.

LEGISLATOR CURRAN: So you say this is a good deal. Is there something that we can reference that we're getting energy at a good price? Is there an outside, independent way that we can compare that?

MR. MEYERS: We won't be able to see that until we receive the proposals in response to the RFP.

LEGISLATOR CURRAN: Okay.

MR. MEYERS: As I indicated, it's up to a \$4.9 million savings, or an average of \$2.45 million each year for two years over what the county is currently receiving.

LEGISLATOR CURRAN: I see.

MR. MEYERS: We know that that's a good deal on that basis.

LEGISLATOR CURRAN: Okay. I have one more question.

You said the RFP - one of my questions you actually answered. You said the RFP is going to go out in three weeks to a month.

MR. MEYERS: Yes.

LEGISLATOR CURRAN: Okay. Thank you.

MR. MEYERS: Thank you very much.

CHAIRWOMAN SCHAEFER: Legislator Ford, you have a question?

LEGISLATOR FORD: What would happen if they decided not to extend the lease? What would happen in 2016 if we didn't extend it?

MR. MEYERS: In 2016, we would be conducting the procurement and the existing -- the proposers that would come in would either take over that facility or construct a new facility on an adjacent site and be able to -- you could actually run the existing facility with the county's boilers and chillers that they currently own. This is just a more efficient, effective process. There are boilers and

chillers on site right now; the county could utilize those, those are the one that were county owned and the county had built prior to this co-generation facility being constructed. The county could just go in and operate those. This is just a more efficient and effective basis through the co-generation.

LEGISLATOR FORD: By continuing with the person, the energy supplier right now.

Like, would we be able to take over and operate this by 2016 on our own if we did not have, if we didn't have anybody to take the place of the company that we have.

MR. MEYERS: The County could. But we could easily, very quickly conduct a request for proposal process for just an operator, not to bring in a new co-generation facility.

LEGISLATOR FORD: Just operate it, you know, for a certain amount of time with the existing technology that we're using right now.

MR. MEYERS: That's correct. The boilers and chillers onsite have been reviewed by Parsons Brinkerhoff and we have, through a request for expression of interest process,

spoken to the nine largest players in this industry throughout the country that are interested in this facility and they indicated that they have reviewed this facility and all the technical data associated with that and they could easily provide the services necessary with the existing boilers and chillers.

LEGISLATOR FORD: Okay. So then by extending it for two years, we could then do an RFP to see if there is another vendor who can come and do co-gen energy, correct?

MR. MEYERS: Yes. There is significant interest from the players in the industry on that that think that they could come in and operate this and provide potentially better rates.

LEGISLATOR FORD: So what they could do is they could keep then the co-generation going, in case -- more than likely they're probably going to have to build a new power plant, so to speak, on the adjacent site, correct?

MR. MEYERS: Potentially. That's correct. And the two years is required in order to appropriately size the co-generation facility as well as get permits. They're burning natural

gas onsite there. You need permits from the state DEP, so that all takes time in order to bring in a facility like that.

LEGISLATOR FORD: I know that Legislator Curran, she brought up, to make sure that we are getting the best value right now, that we are getting, you know, proper reimbursement from this company.

MR. MEYERS: Like I said, so, when you take a look at it and you see the significant savings based on what the county has been paying since that time, it's a significant savings.

LEGISLATOR FORD: Thank you.

CHAIRWOMAN SCHAEFER: Legislator Jacobs.

LEGISLATOR JACOBS: Most of my questions have been covered already, but I wanted to ask you something.

I'm assuming, and I hope correctly so, that after 25 years the reason for a new RFP is to make sure that we're getting the right amount, that we're getting the right amount.

MR. MEYERS: That you're getting the right amount and you're using the highest and best technology onsite. There are a lot of

things that have changed. You can look at micro grids that facility.

Right now all of the electricity that's being generated onsite is being sold to LIPA. So that could potentially be brought onsite. We'll be looking at the police training facility as a new facility that's right down the road from there. But it is to make sure the county's getting the best rates for this service and to bring in the --

LEGISLATOR JACOBS: I just have a couple of very quick ones for you.

Are you imagining that this particular company will be involved in that new RFP?

MR. MEYERS: Yes. They have expressed their intention to propose on this process.

LEGISLATOR JACOBS: Okay. Is there any way you have of knowing whether they have done updates through the years?

MR. MEYERS: Yes. Actually, there was a review conducted and they were hired by the county, I would say, within the last eight months or so. DCO Energy actually went onsite, reviewed all the maintenance records, reviewed the

facility, and prepared a report associated with that to say that they kept the facility up, running, and maintained in accordance with good industry practice.

LEGISLATOR JACOBS: That's good. My last one was this. You said about three to four weeks before the RFP goes out --

MR. MEYERS: Yes.

LEGISLATOR JACOBS: What, in your mind, when would you say -- number one, when will they actually go out and when do we expect them to come back? How many days do they have once they go out?

MR. MEYERS: It will probably remained on the street for approximately a four month period in order to give them time to go onsite and review as well as review the technical data associated with that, and then probably -- there will be a review of those proposals and then a negotiation period following that.

LEGISLATOR JACOBS: Why isn't this particular piece of property tax exempt? I'm not saying that I'm sad that it's not. But why isn't it tax exempt? Why are we paying taxes on it?

MR. MEYERS: Right. So there was litigation on it. It was unclear at the time in the existing lease, when it was entered into with who was Tri-Gen Energy. There was litigation on that. The county -- it was unclear in that lease.

At the time, the county, through a settlement process, ended up indicating that they were going to pay the first \$100,000 of any real property taxes on the site, that's when the real property taxes were \$100,000. As of recently, the taxes on the site were \$2.4 million, which the county was required to pick up the tab on that. They reassessed it within the last year or two; it was \$1.6 million. The county, through that litigation, through the settlement process had agreed to make those payments.

LEGISLATOR JACOBS: It's a little strange, right? Because it's our property.

MR. MEYERS: It's very strange. What will happen in this next one, which is, like I said, we'll be shedding the costs for the Coliseum, that's another benefit of the Coliseum project, is that Forest City Ratner picks up all

2 those costs. On this deal, the next operator and
3 next lessee of this property will go in and
4 they'll be required to make those real property
5 tax payments. So the next operator coming in
6 will make those. The only thing I can say is
7 they're going to pass that along through the
8 rates to the customers.

9 LEGISLATOR JACOBS: I just have to ask
10 you one question that's bothering me. I've been
11 here a long time. I just don't quite understand
12 when it's county property it's exempt. No matter
13 what the lease says -- how do you have those two
14 meet in a logical way? It's exempt property but
15 because the lease didn't particularly say it was
16 exempt we're paying taxes on it all this time.

17 MR. MEYERS: You're not paying them
18 obviously to the county. You're paying them to
19 those localities, to the town and to the school
20 district.

21 LEGISLATOR JACOBS: To the towns and
22 school districts, okay. So it's almost like a
23 pilot, in a way. Similar to a pilot.

24 MR. MEYERS: Yes. And it was through
25 the settlement. Yes.

LEGISLATOR JACOBS: Okay. Thank you very much.

CHAIRWOMAN SCHAEFER: I have one quick question. Maybe you answered this before. What happens in two years? You said we're extending it for two years. The current provider will go into an extended lease, or?

MR. MEYERS: So then we're conducting the RFP process. The procurement process is beginning in the next three to four weeks, and that would bring in a new operator and a new lessor, potentially, to construct a new facility onsite or take over the existing equipment and operate that facility. So at the end of that two years, either Suez will potentially propose on that. So it will either go Suez or a new proposer at that time, which we will determine probably in the next nine to 12 months, who will be taking it over at that time.

CHAIRWOMAN SCHAEFER: Okay. Thank you.

MR. MEYERS: Sure.

CHAIRWOMAN SCHAEFER: Legislator Rhoads.

LEGISLATOR RHOADS: Thank you, Madam Chairwoman.

Mr. Meyers, just so I understand, we keep talking about it as being a two year extension. Is this actually a one year extension with a one year county option?

MR. MEYERS: Right. The county has until October of this year to make the determination, whether or not to make it a one or two year extension.

What happens is - I started to get into the discussion with Legislator Curran - is that if the county wanted to take over the facility - what happens is this is effectively one of the first public-private partnerships that the county entered into 25 years ago. So, Suez actually came in and fronted the money to construct this facility. The state comptroller came in and said if the county wants to step back in and take that over, the county would need to pay book value at the end of the term. The county also has the option to tell Suez to pull the equipment, and we'll just have someone come in and construct a new co-generation facility in there. How that relates to the one or two year extension is we also have to pay book value on the 3.5 mile steam

pipe that goes from here to NUMC. Through negotiations, we've indicated, with Suez is that if we extend it for one year, we still have to pay the book value for the steam pipe. If we go for two years, we pay them \$1 for the steam pipe. The book value on the steam pipe is approximately \$3.5 million right now. So the county would get the added benefit if they do that.

We would probably make that determination prior to issuing the RFP. So we would probably make it within the next month as to whether or not we're going to go for one or two years. With this extension we wouldn't do one year and then do another year. We'll either tell them with the RFP is issued because you need that certainty in the RFP or else the proposers are all over the place when they come in with their proposals. Here, they want that certainty. They want to know whether or not they're going to need to -- excuse me -- purchase that equipment for book value; that would cost the proposer \$27 million to take over the existing assets, as well as the steam pipe. So we want that certainty, how long and how long they have to construct their new

facility and get their permits. Prior to the issuance of the RFP, the county would make the determination as to whether it's one or two years.

LEGISLATOR RHOADS: So the book value has been established at \$27 million flat or is that \$27 million less depreciation?

MR. MEYERS: That's effectively with their depreciation.

LEGISLATOR RHOADS: Okay. And I believe you indicated that there were boilers and chillers that were there before that we could theoretically operate if, in fact, the plant closed; is that accurate?

MR. MEYERS: Yes. If anything happened -- the county originally had the boilers and chillers onsite, and then, subsequent to that point, the county went out for procurement to have a private entity come in and finance the construction of this cogeneration facility, which throws off this waste heat as a result of the electricity process, generating electricity and this throws off this waste heat, which then you generate chilled water and hot water as a result

of. You could also really bring in flatbed boilers and chillers as well on a temporary basis to supply any needs that you would.

Like I said, through Parsons and through these major companies, which are the biggest in the U.S., that are interested in these types of facilities, they indicated that the existing equipment onsite, which are currently maintained and kept on standby at all times in case the co-gen facility went down, they have been maintained by Suez, are adequate and appropriate to provide the services necessary.

LEGISLATOR RHOADS: What's the effect -- just really -- it's probably not relevant to really the proposal, but for my own edification. What's the useful life on the plant and its equipment as it is? It's 25 years old at this point.

MR. MEYERS: Right. Everybody says this. It's General Electric Frame 6, which they said is 40 or 50 years if you continue to maintain it. It's a significant generator of electricity. They just say it's the workhorse of the industry and they can use it. They could

develop that. Most of these proposers, many of the proposers have indicated they may do that, they may take it over on a temporary basis, a long-term basis, or they may bring in their own cogeneration, a new, effectively, Frame 6 cogeneration plant and right size it for the appropriate needs of the hub.

LEGISLATOR RHOADS: Okay. As you may have heard, by the way, development of the hub has been a topic of conversation around here.

MR. MEYERS: I wasn't aware of that.

LEGISLATOR RHOADS: Does the existing plant have the capacity to be able to handle the additional infrastructure if, in fact, it winds up getting built?

MR. MEYER: Yes. I would say on the chilled it does not. Really, they're at capacity with the chilled, especially in connection with the Coliseum. They would just need to bring on additional chillers in order to provide that. But they could do that. It would have to be in addition to this. But with the chilled water, it is at capacity. The chilled water isn't domestic, coming out of the tap, that's for air

conditioning purposes. So at the Coliseum, especially with the increased uses, you would have to bring in that supplemental ability to do that.

LEGISLATOR RHOADS: So, presumably, the new plant, if, in fact, we are putting out an RFP theoretically for the construction of a new plant, would include I guess capacity to be able to handle whatever else we're building there?

MR. MEYERS: That's correct. And, like I said, the new ones, Frame 6 is essentially 1970's technology. They would easily, with more efficient cogeneration facilities that are being produced, provide the necessary capacity for the needs of the hub.

LEGISLATOR RHOADS: And would the idea also be to keep the existing plant as a backup?

MR. RHOADS: You probably couldn't keep that. One thing is, if the county indicated to Suez that they no longer wanted a cogeneration facility, Suez would probably pull that facility out of there, which they have the right to do and they most likely would, for a certain value. They would probably just keep the boilers and

chillers and bring in this new facility.

LEGISLATOR RHOADS: Great. Thank you, Mr. Meyers. No other questions. Thank you.

CHAIRWOMAN SCHAEFER: Legislator Jacobs has another question.

LEGISLATOR JACOBS: I'm really sorry, but I do have another question. Let me ask you a question. If I heard you right, you said around the end of October that the county will be making a determination as to whether it's a one year or two year renewal.

MR. MEYERS: I actually said that we have until October. We would intend to do it prior to the issuance of the RFP.

LEGISLATOR JACOBS: You intend to do it prior to the issuance.

MR. MEYERS: Yes. So we have, pursuant to the amendment, until October to do it. We would do it within the next three to four weeks, prior to the issuance of the RFP. We want to tell the proposers exactly what the county wants to do; whether it be one or two years, because they will need to know that for their planning purposes.

LEGISLATOR JACOBS: Okay. So, in other words, their extension is not really based on what this RFP answers will be. The thing we're thinking is it's going out. They're going to be making a determination before the RFP is returned to us with the people that really want to be participating, but that would have nothing to do with this extension?

MR. MEYERS: Right. We want to tell the potential proposers exactly what we want to do with this facility, yes.

We've met with those proposers -- the are potential proposers -- there many of them through the request for expression of interest process. They would like, I would say, more time to be able to permit the facility and review all the data. Two years is not a lot of time in the industry in order to get one of these facilities constructed.

The proposers prefer specificity in the RFP process, and that's why we would tell them what we're interested in.

LEGISLATOR JACOBS: Let me ask you something. I know it was 25 years ago. I've

only been here 20 years; first time I could say I wasn't here with something.

Can I ask you a question? What, in your mind - maybe you have no idea why they did it. What was the reasons for this kind of a facility to be built there rather than a normal electrical charge that people get when they're running things?

MR. MEYERS: Right. If you take a look at this technology, many of the buildings - it's usually combined heat and power is what you see in many commercial and residential buildings in Manhattan. You will see this type of -- you're generating the electricity. Plus, it's just waste heat, otherwise it just goes out the window and it goes nowhere. Here it's very efficient and effective because you're using that to generate hot water and it's very efficient and cost effective.

Here they actually - my understanding is they built it when they were going to make the Coliseum area the Kennedy Center or it was supposed to be a huge development with many commercial buildings as well as the Coliseum on

site.

LEGISLATOR JACOBS: Boy, that sounds familiar.

MR. MEYERS: Right. Right. Exactly. So that never came to pass. They just converted it and they brought in all these additional customers to make it a cost effective and efficient process.

LEGISLATOR JACOBS: Thank you very much.

MR. MEYERS: Thank you.

CHAIRWOMAN SCHAEFER: Any other questions from the legislators? Legislator Curran.

LEGISLATOR CURRAN: About the correctional center, if I'm understanding it correctly, the jail has a deal with the hospital not directly with Suez. So would they have to negotiate their own thing with the hospital? How would that work? I just wanted to make sure that the correctional center is covered.

MR. MEYERS: Right. So everyone is subject to the agreement in the lease that the county has. What happens is there is a three and a half mile steam pipe, and that steam pipe goes

2 all the way to NUMC, and they have their own
3 boilers and chillers there, and then that steam
4 is passed along -- it powers the chillers at
5 NUMC, which then passes that along to the
6 correctional facility. But they're all beholden
7 to the rates and the deal that's worked -- that
8 the county is working out under this lease.

9 LEGISLATOR CURRAN: And that will
10 continue this RFP, all the entities will have the
11 same --

12 MR. MEYERS: That's correct.

13 LEGISLATOR CURRAN: genesis.

14 MR. MEYERS: Yes.

15 LEGISLATOR CURRAN: Okay.

16 CHAIRWOMAN SCHAEFER: So then the
17 correctional facility could potentially have
18 better rates as well?

19 MR. MEYERS: That's correct.

20 CHAIRWOMAN SCHAEFER: And the hospital?

21 MR. MEYERS: Yes, that's correct.

22 CHAIRWOMAN SCHAEFER: Thank you.

23 Any other questions?

24 (No verbal response.)

25 Any public comment?

MR. WALSH: This is Kevin Walsh. I just wanted to add one small correction.

On the actual ordinance for this item it listed as Section 44, Block F, Part of Lot 317C; that was actually accurate back in the '90's. Lot 317C is now known as Lot 407. So I just wanted to make that technical correction.

CHAIRWOMAN SCHAEFER: Okay. We need you to submit an amendment before the end of the day on that.

MR. WALSH: Okay. That's fine.

CHAIRWOMAN SCHAEFER: Thank you.

All those in favor of passing this item signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

(Whereupon, the following is the minutes of the July 27, 2015 Public Works Committee pertaining to Clerk Item 266, 280, 288, and 289-2015.)

We have four items on today. The first item is Item 266-15, an ordinance supplemental to

the annual appropriation ordinance in connection with the Department of Parks, Recreation, and Museums.

LEGISLATOR RHOADS: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRMAN MUSCARELLA: Moved by
Legislator Rhoads, seconded by Mr. MacKenzie.

Do we have anyone here who can speak on this matter?

MS. PETRUCCI: Eileen Krieb is here. I think she just stepped away to the ladies room. She will be back momentarily.

CHAIRMAN MUSCARELLA: Okay. Why don't we table that for a few minutes?

Motion by Mr. Becker to table, seconded by Mr. MacKenzie.

All those in favor of tabling this please say aye.

(Aye.)

We're tabled.

Item 280-2015 -- is this the same person speaking on this? Connie? Item 280, do we have the same person who is going to speak on this?

MS. PETRUCCI: Yes.

CHAIRMAN MUSCARELLA: Yes. Okay. What about 288?

MS. PETRUCCI: No.

CHAIRMAN MUSCARELLA: Why don't we call Item 288-2015, a resolution authorizing the County of Nassau to participate in a federal aid transportation project providing for the resurfacing of various county roads, Phase 33, PIN 0760.43, and authorizing the county executive of the County of Nassau to execute the agreement on behalf of the County with the New York State Department of Transportation for the advancement of said federal aid transportation projects in Nassau County, New York.

I'm also going to call Item 289-2015, which is a similar resolution, a resolution authorizing the County of Nassau to participate in a federal aid transportation project providing for the in-kind replacement of Long Beach Road over Barnum Island Creek, BIN 330027-01 and 330027-02, PIN 0760.42, and authorizing the county executive of the County of Nassau to execute the agreement on behalf of the County with the New York State Department of

Transportation for the advancement of said federal aid transportation projects in Nassau County, New York.

Motion, please?

LEGISLATOR RHOADS: So moved.

LEGISLATOR BECKER: Second.

CHAIRMAN MUSCARELLA: By Mr. Rhoads, seconded by Mr. Becker.

Those items are before us.

MS. BOYLE: Donna Boyle, Nassau County Department of Public Works.

Do you have any questions?

CHAIRMAN MUSCARELLA: Do you want to just briefly tell us what these are?

MS. BOYLE: Nassau County typically gets about four million a year from the federal government under the Transportation Improvement Program, that's STP funding. We use that for one of the four to five resurfacing projects that we put out. Essentially, what it is is the federal government gives us 80 cents on the dollar back. If we hit the construction schedule just right, sometimes we get another 15 percent in Marshecelli money, but we don't know about that

typically until after the construction season is done.

So, the first one, that's the resurfacing project. That's doing resurfacing. The other one is for, just like it says, an in-kind replacement of the Barnum Island Bridge. For those of you who aren't sure where that is, that's near Peter's Clam Bar. That currently is identified as two bridges and will be identified as two bridges when we're done.

CHAIRMAN MUSCARELLA: And everyone knows where Peter's Clam Bar is.

Do we have any questions?

LEGISLATOR RHOADS: Just one, Mr. Chairman.

CHAIRMAN MUSCARELLA: Mr. Rhoads.

LEGISLATOR RHOADS: Thank you. The portion of Bellmore Road that's being repaved at part of 288-15, where is that? I know where Bellmore Road is, but what portion of it?

MS. BOYLE: It's most of it. It actually will require -- the road right now - I don't know how many of you are familiar with Bellmore Road. The road right now is a concrete

road. So the intention road is to, where we can, repair the concrete panels and do the asphalt shoulders, and where we can't we'll resurface it.

Unfortunately, I didn't know you were going to get that specific on the limit, so I can't tell you exactly from what street to what street it runs.

LEGISLATOR RHOADS: Every once in a while we like to throw in a surprise.

MS. BOYLE: Okay. If you want, I will send you an e-mail with the exact limits.

LEGISLATOR RHOADS: I appreciate it. Thank you.

MS. BOYLE: Okay.

CHAIRMAN MUSCARELLA: Any other questions?

(No verbal response.)

Hearing none; all those in favor of these two items signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

Those items carry.

MS. BOYLE: Thank you very much.

CHAIRMAN MUSCARELLA: You're welcome.

We'll now go to Item 280-2015, a resolution authorizing the County of Nassau to execute an agreement with the New York State Department of State in relation to the local waterfront revitalization program for the advancement of the 2006 Environmental Bond Act project and South Shore Blueway Trail Project within Nassau County.

Motion by Mr. Becker, seconded by Mr. MacKenzie.

Mr. Schneider.

MR. SCHNEIDER: Good afternoon. Brian Schneider from Public Works.

We're requesting approval for Nassau County to execute an agreement with the New York State Department of State. The total amount of the grant is \$480,000, which is a 50/50 match, so \$240,000 will be coming from the county.

This grant, through the local waterfront revitalization program, will permit the county to construct kayak and other non-motorized boat launches at seven locations in various county parks along the south shore of the county in

support of the 2006 Environmental Bond Act project known as the South Shore Blueway Trail. The grant supervision and management will be provided by DPW.

CHAIRMAN MUSCARELLA: Any questions?
Mr. Becker.

LEGISLATOR BECKER: The boat launches, are they cement or are they just, you know?

MR. SCHNEIDER: There are various types. Some of the launches are actually considered beach launches, so we'd be installing what's called a MOBY mat, which is actually an ADA compliant mat which will allow kayakers to access the water from the parking lot, getting their kayaks into the water. Other more constructed boat launches are these ADA compliant ramps, which are kind of already fabricated but they need to be mounted on pilings. They will go up and down with the existing boat ramps.

LEGISLATOR BECKER: I gather they last a while.

MR. SCHNEIDER: Oh, yeah. It's just like any other boat launch in a marina, very similar.

LEGISLATOR BECKER: Thank you.

MR. SCHNEIDER: You're welcome.

CHAIRMAN MUSCARELLA: Thank you.

Mr. Solages.

LEGISLATOR SOLAGES: Thank you. Good afternoon, Mr. Schneider.

MR. SCHNEIDER: Good afternoon.

LEGISLATOR SOLAGES: With the Inwood Park boat ramp, what exactly would it entail? How many launching ramps will there be for the kayak boats?

MR. SCHNEIDER: For Inwood, which is being completely redesigned as far as the bulkhead is concerned, but there is a boat launch right in that park. That will be a floating ramp which will be extended out from the bottom of the boat ramp. You would be able to access the bottom of the ramp for launching your kayak, just like we're going to build at Wantagh Park, it's going to be very similar, and also at Milburn Boat Basin. It's basically an ADA compliant launch which will be extended from the bottom of the ramp.

LEGISLATOR SOLAGES: Will be assessing

fees? Specific with the Inwood location, there are many people from Far Rockaway and Queens, in general, who come to use that location, so how can we make sure that we can make sure that Nassau residents benefit primarily from this?

MR. SCHNEIDER: I can't speak for the parks department. I know they have fees for launching boats, whether they're motorized or non-motorized. It would require a parks representative, whether it's a seasonal worker during the season, to be present to make sure that the person has a -- has paid a fee to launch their vehicle. Because Inwood is kind of under repair right now and it's actually closed, I don't think the parks department has anybody at that location on a seasonal-type basis. After the bulkhead is repaired and the kayak launch is installed in Inwood, then the parks department should be able to have somebody at that location during the season.

LEGISLATOR SOLAGES: And when will that be, will the bulkheads be repaired and the kayak launching pad established?

MR. SCHNEIDER: Well, the Inwood project

is still in design right now. I would image after permits are received that it should be constructed in some time 2017.

LEGISLATOR SOLAGES: Thank you.

CHAIRMAN MUSCARELLA: Any other questions?

LEGISLATOR RHOADS: Yes, Mr. Chairman.

CHAIRMAN MUSCARELLA: Mr. Rhoads.

LEGISLATOR RHOADS: Thank you.

Mr. Schneider, is there any chance you might be able to send to my office where in Cedar Creek and Wantagh Park the launch is going to be? Do they have it mapped out already?

LEGISLATOR RHOADS: The one at Wantagh Park is actually mapped and designed. The one at Cedar Creek is a little bit of an issue because the one that was designed was basically an elevated boardwalk leading to a beach launch. Very, very difficult, expensive. DEC would require -- you need a permit from the DEC. There also maybe some conflicts with the folks who use the aerodrome. So as of right now that is really the only one out of the seven that is a little bit nebulous.

LEGISLATOR RHOADS: Thank you.

CHAIRMAN MUSCARELLA: Any other questions?

(No verbal response.)

All those in favor signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

That item carries.

Mr. Becker now moves to un-table Item 266-2015, seconded by Mr. Rhoads.

All those in favor of un-tabling 266 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

Ms. Krieb.

MS. KRIEB: Good afternoon. Eileen Krieb from the Department of Parks.

CHAIRMAN MUSCARELLA: Just give us a general overview, please.

MS. KRIEB: This is a grant that's coming from New York State Urban Development Corporation for \$100,000. It's being passed

2 through Nassau County to help fund the Museum of
3 American Armor in Bethpage that's already been
4 completed.

5 CHAIRMAN MUSCARELLA: Do we have any
6 questions?

7 LEGISLATOR JACOBS: I have something to
8 say.

9 CHAIRMAN MUSCARELLA: Yes, Ms. Jacobs.

10 LEGISLATOR JACOBS: Eileen, I just
11 wanted to say to you, I'm sure you've been there.

12 MS. KRIEB: Yes, of course.

13 LEGISLATOR JACOBS: I think it is
14 phenomenal.

15 MS. KRIEB: They did a phenomenal job
16 with it.

17 LEGISLATOR JACOBS: I've been there a
18 couple of times. Just to see the veteran's
19 reaction and young people who go, their reaction,
20 it's really great. I'm glad that these funds
21 have come through because it can only get better.

22 MS. KRIEB: It's also helping the
23 audience at Old Bethpage Village because we have
24 a shared ticket that they can use.

25 LEGISLATOR JACOBS: Good.

MS. KRIEB: If you go to one, you get to go to the other.

LEGISLATOR JACOBS: It's really good. It was a smart growth kind of thing. It really was. For the people. I don't know of anything smart when it comes to open space. This was something that really a lot of people are enjoying and really melancholy about sometimes when they're there, but that's okay, in a good way.

MS. KRIEB: The programs draw a lot of attention.

LEGISLATOR JACOBS: Yeah. Definitely. Thank you. I just wanted to let you know.

CHAIRMAN MUSCARELLA: Any other questions or comments?

(No verbal response.)

Public comments?

(No verbal response.)

All those in favor signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

That item carries.

(Whereupon, the following are the minutes of the July 27, 2015 Health and Social Services Committee pertaining to Clerk Items 267, 268, 269, 270, 271, 272, 273, and 283-15.)

We have seven items on the agenda today. The first item is Clerk Item 267-15, which is an ordinance supplemental to the annual appropriation ordinance in connection with the Department of Social Services.

May I have a motion, please?

LEGISLATOR KENNEDY: So moved.

LEGISLATOR SCHAEFER: Second.

CHAIRWOMAN WALKER: Motion by Legislator Kennedy, seconded by Legislator Schaefer.

And we have Paul.

MR. BRODERICK: Good afternoon. Paul Broderick, Deputy Commissioner of the Department of Social Services.

Legislators, the item before you is a supplemental appropriation for \$345,000, which funds our summer lunch - summer youth lunch program.

Do you have any questions?

CHAIRWOMAN WALKER: Paul, we have how

many young children participating this year?

MR. BRODERICK: Legislator, good question. I was just doing the math and I backed into the answer. Approximately 1600 children, over 70 sites, and that's for the months of July and August.

CHAIRWOMAN WALKER: Okay. Which is wonderful, because many of those children probably wouldn't have lunch if they weren't in those programs.

MR. BRODERICK: Absolutely. That's the whole purpose of the program. It's a very beneficial program.

CHAIRWOMAN WALKER: Thank you.

Any other questions or comments by the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor?

(Aye.)

Any opposed?

(No verbal response.)

This will carry over to the Finance

Committee.

Thank you, Mr. Broderick.

MR. BRODERICK: Thank you.

CHAIRWOMAN WALKER: We have five items that fall under the Health Department. If you don't mind, we will call those five items together.

Clerk Item 268-15, an ordinance supplemental to the annual appropriation ordinance in connection with the Health Department.

270-15, 271-15, 272-15, and 283-15, which are all an ordinances supplemental to the annual appropriation ordinance in connection with the Health Department.

We have Mary Ellen Laurain here to speak to us.

May I have a motion on those five items?

LEGISLATOR BECKER: So moved.

LEGISLATOR SCHAEFER: Second.

CHAIRWOMAN WALKER: By Legislator Becker, seconded by Legislator Schaefer.

MS. LAURAIN: Good afternoon. Mary Ellen Laurain, Department of Health.

Item 268-15 is a supplemental appropriation in the amount of \$700,289. This is for the early intervention administrative grant. This is funded through New York State Department of Health. It pays for the administrative costs to run the program.

CHAIRWOMAN WALKER: Any questions or comments from the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

Okay. Item 270-15.

MS. LAURAIN: Item 270-15 is a supplemental appropriation in the amount of \$55,000 for the HIV expanded services grant. This is also funded through the New York State Department of Health. This is an additional funding, with total fundings of \$155,000. This is to facilitate people who are infected with HIV/AIDS and may not be receiving medical care.

CHAIRWOMAN WALKER: Any questions or comments from the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

Okay. Clerk Item 271.

MS. LAURAIN: Item 271-15 is a supplemental appropriation for the bathing beach water quality monitoring program. It's for \$87,955. This is funded and mandated through the New York State Department of Health. It provides beach water quality monitoring to assure the water safety.

CHAIRWOMAN WALKER: And you've certainly been kept busy with that the last few summers. And I thank you for the updates on that, also.

MS. LAURAIN: Yes. Those updates are mandated.

CHAIRWOMAN WALKER: Any questions or comments from the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

Okay. Clerk Item 272-15.

MS. LAURAIN: Item 272-15 is a supplemental appropriation for the HIV surveillance and partner notification program. It's for \$283,552. This is funded through the

2 New York State Department of Health, and it is a
3 mandated program.

4 CHAIRWOMAN WALKER: Any questions or
5 comments?

6 (No verbal response.)

7 Any public comment?

8 (No verbal response.)

9 The final one for the Department of
10 Health is 283-15.

11 MS. LAURAIN: Item 283-15 is a
12 supplemental appropriation in the amount of
13 \$99,829. This is for the children with special
14 health care needs. It is funded through New York
15 State Department of Health, and it provides
16 services to families of children up to the age of
17 21 who have a medical diagnosis and special
18 needs.

19 CHAIRWOMAN WALKER: Any questions or
20 comments from the legislators?

21 (No verbal response.)

22 Any public comment?

23 (No verbal response.)

24 Hearing none; all those in favor of Clerk
25 Items 268, 270, 271, 272, and 283-15 signify by

saying aye.

(Aye.)

Any opposed?

(No verbal response.)

They all carry and will go on to Finance.

Thank you, Ms. Laurain.

MS. LAURAIN: Thank you.

CHAIRWOMAN WALKER: The final item on our agenda is 269-15, which is an ordinance supplemental to the annual appropriation ordinance in connection with the Department of Mental Health, Chemical Dependency, and Developmental Disability Services.

MS. HALL: Good afternoon. Brian Hall from Human Services. This is a grant for --

CHAIRWOMAN WALKER: I'm sorry. We need a motion. I'm sorry.

LEGISLATOR BECKER: So moved.

LEGISLATOR KENNEDY: Second.

CHAIRWOMAN WALKER: By Legislator Becker, seconded by Legislator Kennedy.

Sorry.

MR. HALL: That's all right.

Brian Hall, Department of Human Services.

This is a grant for \$522,000 for chemical dependency services. It's 100 percent funded by New York State.

Any questions or comments from the legislators? Legislator Jacobs.

LEGISLATOR JACOBS: I'm thrilled that you're getting this. Does this bring you anywhere near to what you actually need to provide the services for everyone who needs it? I noticed a figure of 12,400 chemically dependent clients.

MR. HALL: Yes. Well, we get - every year we get a grant from OASIS, which is the New York State Chemical Dependency Department, and throughout the year they give us several state aid letters updating us on the latest amounts, and this was extra funds that they gave. The individual agencies apply directly to the state for the money and then we get a new funding letter and that's where we come up with these extra funds and they distribute it among the agencies that the state directs us to.

LEGISLATOR JACOBS: That's good. I've always been concerned about this. All we have to

do is listen to the news, and we know the importance. It goes without saying.

MR. HALL: Right.

LEGISLATOR JACOBS: Good. I'm glad. I hope there will be more grants coming in.

MR. HALL: That's what we're looking for.

LEGISLATOR JACOBS: I don't blame you.

CHAIRWOMAN WALKER: Any other questions or comments?

(No verbal response.)

Any public comment?

Legislator Schaefer.

LEGISLATOR SCHAEFER: I just have a quick question. Do the agencies that you distribute the funds to, do they make the decisions themselves as to what they're going to be used for?

MR. HALL: What they do is they send up what's called consolidated budget reports requesting funds now for 2016. They put their plan together. The state gets all the agencies together for the county. They come up with a total funding for the county and they actually

2 tell us who gets what, which agency, and for what
3 programs.

4 LEGISLATOR SCHAEFER: Thank you.

5 CHAIRWOMAN WALKER: Any other questions?

6 (No verbal response.)

7 Any public comment?

8 (No verbal response.)

9 Then all those in favor of Item 269-15
10 signify by saying aye.

11 (Aye.)

12 Anyone opposed?

13 (No verbal response.)

14 This will also move on to Finance and
15 Rules.

16 (Whereupon, the following are the minutes
17 of the July 27, 2015 Public Safety Committee
18 pertaining to Clerk Items 274 and 275-15.)
19 committee is Item 274-15, an ordinance
20 supplemental to the annual appropriations
21 ordinance in connection with the district
22 attorney's office.

23 Is Mr. McManus here or anybody from the
24 district attorney's office? We have somebody
25 here.

Just one second. Carrie Solages is sitting in for the Minority Leader.

We have a motion from Vinnie Muscarella, seconded by Denise Ford on this item, 274.

And we have to speak on this, is?

MS. CORDOVA: Vicki Cordova, district attorney's office.

CHAIRMAN DUNNE: Thank you. What's this all about, Vicki?

MS. CORDOVA: Okay. The district attorney's office would like your approval on a supplemental appropriation for the gun involved violence elimination grant award from the DCJS, Division of Criminal Justice Services. The new award now is what used to be Operation Impact, and it's awarded to the county, the district attorney, police department, probation, and sheriff's department. And we would like approval on our appropriation.

CHAIRMAN DUNNE: Is this pass-through money? Is this a grant?

MS. CORDOVA: It's not pass-through money. It's a grant from the Division of Criminal Justice Services.

CHAIRMAN DUNNE: Any questions from any legislator?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all in favor indicate by saying aye.

(Aye.)

Any against?

(No verbal response.)

It passes on to Finance.

Thank you, Ms. Cordova.

MS. CORDOVA: Thank you.

CHAIRMAN DUNNE: The next and final part of this committee is 275-15, an ordinance supplemental to the annual appropriation ordinance in connection with the correctional center.

Denise Ford makes the motion, Vinny Muscarella seconds it.

Who do we have to speak on this item from the correctional office, correctional center, sheriff's office?

MS. PETRUCCI: Good afternoon. Keith

Sather is on his way; he should be here momentarily.

CHAIRMAN DUNNE: Thank you.

With no objection from the minority, we will pass this on to Finance and let them ask any questions we may have instead of delaying the day any further.

All in favor of passing it on to finance indicate by saying aye.

(Aye.)

Any against?

(No verbal response.)

It's unanimous.

(Whereupon, the following is the continuation of the July 27, 2015 Rules Committee meeting.)

CHAIRWOMAN GONSALVES: All those in favor of the items that were just called signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The items pass unanimously.

Now, for the two items that were not on

the consent calendar, and they are on the addendum, the Rules Committee addendum.

Item 304, a resolution to confirm the county executive's appointment of Francis X. Murray to the Taxi and Limousine Board pursuant to the Nassau County Charter Section 203 and Article XXI-B, Section 2160(B).

Item 305 is a resolution to confirm the county executive's appointment of Joseph R. Scalero to the Taxi and Limousine Commission Board pursuant to the Nassau County Charter Section 203 and Article XXI-B, Section 2160(B).

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Walker.

I will tell you that the two individuals that are being named to the TLC, the Taxi and Limousine Commission, will be here on the 3rd of August.

Any comment regarding the two appointments?

(No verbal response.)

There being none; all those in favor --
any public comment?

(No verbal response.)

There being none; all those in favor
signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The items pass six to zero.

Guess what? Now it's in order for us to
make a motion to adjourn.

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Dunne, seconded by Legislator Walker.

All those in favor signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The Rules Committee is now adjourned.

(Whereupon, the Rules Committee
adjourned at 4:31 p.m.)

C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and
Notary Public in and for the State of New York,
do hereby state:

THAT I attended at the time and place above
mentioned and took stenographic record of the
proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and
accurate transcript of the same and the whole
thereof, according to the best of my ability and
belief.

IN WITNESS WHEREOF, I have hereunto set my
hand this _____ day of _____, 2015.

FRANK GRAY